

residential

REd	Description
REd.1	Nelson’s residential areas are characterised by low rise dwelling houses on individual lots. Past architectural styles, settlement periods and geographic factors have determined residential character and form, with the varying topography of the city resulting in a range of individual neighbourhoods.
REd.2	Although Nelson was occupied by Maori for generations before colonial times, little physical evidence remains within the residential area of traditional Maori settlement patterns, apart from the significant “Matangi Awhio” Pa site above Auckland Point School.
REd.3	The settlement pattern of Nelson is reflected in its geographic setting. The earliest settled parts are within the lower flood plains of the Maitai River, and The Brook and York Valley Streams. Initial development of these areas occurred in the 1840s, with a number of buildings from the 19th century still remaining. This Plan recognises that the development of some parts of older Nelson have an open spaciousness, such as the area between the Cathedral and the Grampians. There are also several streets, precincts, and many individual buildings within Nelson that have heritage significance, and this Plan seeks to encourage their preservation and enhancement.
REd.4	As Nelson’s population has grown, new residential areas have been developed to the north and south of the city. In more recent years there has been a move towards infill development, where existing residential areas have been redeveloped - such as in Stoke, Tahunanui, and The Wood. Land to the south, as far as Saxton Road, has been developed since 1990 into new greenfield subdivisions.
REd.5	The character of residential areas is also determined by the presence of non-residential activities and community facilities that usually operate from purpose-built buildings. These activities tend to provide essential community services including convenience shops, churches, schools, doctors’ surgeries, day care centres, and public halls. In some residential areas, activities such as hospitals, tourist accommodation, hotels, or parks have been established which serve wider city or regional populations. Non-residential activities and community facilities can be accepted within residential areas provided they do not give rise to significant adverse effects.
REd.6	Residential areas provide the place where most people sleep and enjoy their leisure time, and quiet, peaceful surroundings are expected.
REd.7	With the closure of health care facilities in the Ngawhatu Valley and the identification of this land for development, the future use of the land between the Ngawhatu Valleys became a resource management issue. Given the shape of the Valleys, the future use of the land between is inextricably linked because servicing of the land between the Valley can only be through the Valleys. Lack of planning now for the future use of this land will result in this land being landlocked. The land has been identified as suitable for a range of densities of development, and planning for the future development of this land must be integrated, particularly from a servicing perspective, with the Ngawhatu Valley land.
REd.8	In Marsden Valley there is provision for some <u>on the valley floor, for higher density residential development</u> Low Density Residential development in the Valley, a small ^{PC13}

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Suburban Commercial Zone, and for residential development on the hills surrounding the valley provided consideration is given to the landscape context of the area. There is also with^{PC13} provision for residential development on the hills adjacent to Ngawhatu, including the area referred to as the Marsden Plateau. The area has been identified as suitable for a range of densities of development, provided that the special landscape values of the Marsden Plateau, in particular, are recognised.

REd.9 See the objectives and policies relating to zones in Chapter 5 (district wide objectives and policies).

objective

RE1 living style

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

Reasons

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

RE1.ii Low density residential development is also provided for in part of Marsden Valley. The Residential Lower Density (Marsden Valley) Zone within Schedule I (see Objective RE4) and also within Schedules U and V in Marsden Valley (see Objective RE5).

policy

RE1.1 densities

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

Explanation and Reasons

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

RE1.1.ii In addition to the residential densities referred to above, the Ngawhatu Residential Area offers further overall low density residential opportunity. This has been determined on account of the existing amenity and physical constraints of land, services and roading in the Valley.

Methods

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

RE1.1.iv Scheduling of the Marsden Valley Residential Area.

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policy

RE1.2 flexibility in development

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

- a) integrates the design of residential units and any subdivision, and that all required resource consents are applied for concurrently, along with any building consent or building sketch plans, and
- b) presents a high standard of on site and off site amenity, and
- c) does not diminish the amenity of neighbouring sites, and
- d) is designed with regard to the character of the area, and
- e) does not significantly affect the views or outlook from adjacent properties, and
- f) the cumulative effects of such developments do not fundamentally change the character and density of the area, and
- g) does not diminish streetscape of adjacent roads.

Explanation and Reasons

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

RE1.2.ii Guidelines for comprehensive housing development are included in Appendix 22.

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

RE1.2.iv In the Ngawhatu Valley, and the land between then Highland and York Valleys, there is scope for a residential environment to be created, providing for a range of housing opportunities while ensuring the mature landscape setting is largely maintained.

RE1.2.v In Marsden Valley there is scope for a residential development, provided that the special landscape values of the Marsden Plateau are respected in any development design.

Methods

RE1.2.vi Using the discretionary activity consent procedure to provide for more innovative housing proposals, backed by Guidelines for Comprehensive Housing.

RE1.2.vii Assess other proposals as non-complying activities.

RE1.2.viii Development opportunities for Ngawhatu by way of high density residential and standard residential zoning. Controlled activity rules allowing for conversion of existing redundant buildings to apartments. Opportunities for using method RE1.2.v.

RE1.2.ix Specific development opportunities on the Marsden Plateau and Marsden Hills (adjoining Ngawhatu) by way of scheduled sites.

policy

RE1.3 Wakefield Quay precinct

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

Explanation and Reasons

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

Method

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

policy

RE1.4 lower density areas

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

Explanation and Reasons

RE1.4.i The residential area at the northern foot of the Grampians, the Tahunanui Hills, and the Ardilea Avenue subdivision in Stoke have a low level of building density and corresponding open spaciousness of development compared with most other residential areas in Nelson. These areas have developed a certain character as a result of past patterns of development, and in the case of the Tahunanui Hills and Grampians area, past restrictions on infill because of a slope risk hazard have helped maintain the open character. ~~The Glen and the Marsden Valley Residential Area (covered by Schedule 1) have~~ has a lower building coverage limit to recognise ~~their~~ the^{PC13} rural setting. The townscape variety, and opportunities for larger sections including ability to sustain larger trees, that these areas offer is protected through a stricter limitation on building density than elsewhere in the city. The purpose of the lower density areas adjacent to the airport and the Port Industrial Area (the Airport and the Port Effects Control Overlays) is to minimise the number of residences exposed to noise from the airport and the Port Industrial Area^{07/01}, rather than to preserve visual or related characteristics. The low density residential land on Main Road, Stoke, was rezoned from Rural, in part to provide a greater level of protection from industrial type activities. The density has been kept low to preserve some measure of its former character, while at the same time recognising that the area will eventually be fully developed for residential purposes.

~~The Marsden Valley Residential Area (covered by Schedule 1) is also recognised for the rural character of the area in which it is located. A lower density of residential development is therefore considered important. (See Objective RE4)~~

~~The lower density residential area north and west of the cemetery in Marsden Valley is intended to provide a transition from the Residential Zones at the entrance to the valley, to recognise the current rural character of the wider valley landscape, and promote a level of serviced development that is generally compatible with the Marsden Valley Residential Area in Schedule 1, which it in part adjoins (see Objective RE5).~~^{PC13}

Methods

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

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RE3.5.ii The policy aims to provide more flexibility in the use of front yards than the traditional approach. It focuses on whether the end result is attractive when viewed from the street. Within this framework there is the option of locating a dwelling closer to the front boundary if, for example, it allows more lawn to the north. Similarly garages or carports, if designed in keeping with the house and if appropriately landscaped, are acceptable in the front yard. Accessory buildings such as outdoor sheds, or storage of materials (eg. old cars) would not generally be appropriate activities in a front yard, unless well screened from public view.

Method

RE3.5.iii Rule providing flexible approach to use of front yard, providing proportion remains as open space, and buildings fit within a recession plane inclined into the site from the front boundary.

policy

RE3.6 signs and advertising

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

Explanation and Reasons

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

Methods

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

policy

RE3.7 Ngawhatu residential area

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

Explanation and Reasons

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

Methods

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

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

policy

RE3.8 Marsden/Ngawhatu pedestrian and cycle linkages

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

Explanation and reasons

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

Objective

RE4 Marsden Valley (Schedule I)

Subdivision and development within the Marsden Valley Residential Area (Schedule I) that does not adversely affect the rural and landscape character of the Marsden Valley. Subdivision and development of Marsden Valley (Schedule I area) that results in a high level of residential amenity built around a village centre as the focal point.

Reasons

RE4.i The Nelson Urban Growth Study 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS, while respecting the landscape features of the valley. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties. This objective and following policy applies only to the Marsden Valley Residential Area affected by Schedule I in the Plan, and not other residentially zoned land elsewhere in the valley.^{PC13}

policy

RE4.1 Marsden Valley Road corridor

Residential development within the Marsden Valley Residential Area should maintain the un-built character and appearance of the viewing corridor both sides of Marsden Valley Road by, for instance:

- a) Requiring new buildings to be behind the defined setback line on the eastern side of the road, and the esplanade reserve defined on the western side of Poormans Valley Stream, and*
- b) Ensuring the screening of buildings from Marsden Valley Road where feasible, and*
- c) Minimising the number of vehicle accesses onto Marsden Valley Road, and*
- d) Protecting particular trees that contribute to the landscape character of the Valley, and*
- e) Controlling the design and layout of new roads.*

Explanation and Reasons

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~~RE4.1.i The Marsden Valley Landscape Study (NCC, February 2000) was commissioned to look at whether residential development could be accommodated within Marsden Valley without compromising the landscape values and rural character of this area. The study noted that visitors to the valley gain their main impression of its landscape character from views along the corridor of Marsden Valley Road, and that built development in this area would become a conspicuous feature of the valley, affecting its important rural character. The Study concluded however, that this part of the valley could support a degree of residential development without compromising its rural character, provided the development could be largely “hidden” from view by those travelling along Marsden Valley Road. Such development must therefore be restricted, with particular attention paid to protecting the visual corridor along Marsden Valley Road.~~

Methods

~~RE4.1.ii Scheduling of the Marsden Valley Residential Area to control building setbacks, removal of significant trees and the number of vehicle accesses onto Marsden Valley Road.~~

~~RE4.1.iii Protection of Heritage and Landscape trees by listing in Appendix 2.^{PC13}~~

RE4.1 Marsden Valley Development (Schedule I area)

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

Explanation and Reasons

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

Methods

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

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

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

RE4.1.v Zoning and subdivision rules which provide sufficient flexibility to achieve the desired urban design outcomes.^{PC13}

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policy

~~RE4.2 — development density in Marsden Valley~~

~~Subdivision and development densities should not be varied from those set down within the Marsden Valley Residential Area unless it can be shown that the rural character and landscape values of the Valley can be maintained or enhanced and therefore that the adverse effects are no more than minor.~~

Explanation and Reasons

~~RE4.2.i — Low density residential development has been provided for on Chings Flat and part of Homestead Flat. The Marsden Valley Landscape Study indicated that these parts of the valley could accommodate more intense development without more than minor visual effect on the character of Marsden Valley provided such development was adequately controlled. The Study advocates minimum lot sizes which will allow for the retention of tall trees that will soften development and maintain vegetation patterns within the Valley.~~

Methods

~~RE4.2.ii — Scheduling of the Marsden Valley Residential Area to control lot sizes.~~

policy

RE4.32 vegetation

Subdivision and development should maintain and enhance the existing vegetation patterns, (and establish new areas of vegetation) within the Valley that in order to soften the effects of such development on the visual amenity rural character and landscape values of the Marsden Valley.

Explanation and Reasons

~~RE4.32.i Chings Flat is flanked to the west and east by watercourses. The study suggested that if further planting occurred adjacent to these water courses, they would Vegetation planting and protection will provide a strong and attractive landscape setting for residential development and would will also act to reduce the visual effect of that development within the Marsden Valley. The Study also advocates the establishment of biodiversity corridors, 'greenspace', a landscape strip along the north-eastern side of Marsden Valley Road, 20m esplanade reserves along each bank of the Poormans Valley Stream to and a subdivision and roading design which allows for additional planting will enable this to be achieved and to will strengthen recreational linkages and biodiversity within the valley. It will also help to provide a transition from Residential to Rural Zones.~~

A number of established trees within the area known as Homestead Flat (on the north eastern side of Marsden Valley Road) that are considered to be important in softening the visual effect of residential development in Marsden Valley have been specifically protected.

Methods

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

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

RE4.2.iv Structure Plans, Outline Development Plans or other Plan provisions requiring the provision of 'greenspace' and biodiversity corridors at time of subdivision.^{PC13}

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policy

RE4.4 — land recontouring

~~Subdivision and development, except for the development of individual building sites, should maintain the existing landform since this is an important part of the character and landscape of the Valley, and is important in screening house sites from Marsden Valley Road.~~

~~Explanation and Reasons~~

~~RE4.4.i — The Study advocates the preservation of existing landforms within Marsden Valley which contribute to its overall character and amenity. While land recontouring and other earthworks are often necessary activities associated with residential development, these must be controlled in the Marsden Valley in recognition of the importance of these natural landforms.~~

~~Method~~

~~RE4.4.ii — Scheduling of the Marsden Valley Residential Area to control earthworks.~~^{PC13}

Objective

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

RE5.i Subdivision and development within the Marsden Valley Plateau Area (Schedule U) that recognises the special landscape values of the area as an important part of the backdrop to Stoke.

RE5.ii Subdivision and development within the Residential (Lower Density) Area of Marsden Valley (Schedule V) that provides for the efficient use and uptake of development opportunities on the adjoining Small Holdings Area, and the adjoining Schedule U area, in terms of integration of access and servicing.

Reasons

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

Policy

RE5.1 Marsden Valley Plateau Landscape

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

- a) Restricted spatial location of development;*
- b) Locating development on the Plateau with a vegetated foreground following the natural landform, to provide a context/location for development within the landscape;*
- c) Development of the Plateau follows an overall development plan that may be progressed in stages.*

Explanation and reasons

RE5.1.i The Marsden Plateau is part of a sensitive visual landform when viewed from various public spaces, in particular parts of Stoke, Monaco and the Airport. The Plateau offers highly attractive urban development options with expansive views to the coast, but these opportunities must be balanced against the importance of this area as a landscape backdrop to Stoke. Development needs to be carefully designed to ensure the attractive visual landscape outlook remains, both internally and externally, to and from the site. The Objective and Policies for the Marsden Valley Plateau are sought to be

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achieved through a Schedule (see Schedule U) specifically designed to achieve the appropriate balance between built development and retention of open/vegetated space.

Methods

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

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

Policy

RE5.2 Marsden Hills

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

Explanation and reasons

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

Methods

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

REe environmental results anticipated and performance indicators

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

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

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REr.110	Fault Hazard Overlay - Subdivision
REr.111	Flood Path Overlay and Flood Overlay - Subdivision
REr.112	Tahunanui Slump Core Slope Risk Overlay and Tahunanui Slump Fringe Slope Risk Overlay - Subdivision
REr.113	Heritage Precincts - Subdivision
REr.114	Heritage Overlays (excluding Heritage Precincts and Wakefield Quay Precinct) Subdivision
REr.115	Bishopdale Subdivision Area (Scheduled Site – Sch.H)
Freshwater Rules	
FWr.1	Disturbance of river and lake beds, and wetlands
FWr.2	Vehicles in the beds of rivers and lakes, and wetlands

^{PC13} Plan Change 13 (Marsden Valley)

Assessment Criteria	Explanation
<p>REr.23.4 and REr.24.4</p> <p>Site Area and Site Coverage:</p> <p>a) the likely effect upon the character and amenity of the neighbourhood, including the dominance of buildings, having regard to the intended character of the area.</p> <p>b) the effect on net site area or building coverage of any acquisition by the Council of land on the property for purposes such as road widening or esplanade reserves. Where the esplanade reserve continues to provide open space and amenity to the site, this should be taken into account.</p> <p>c) whether conditions should be placed on any consent granted limiting any building erected on the site to specific plans, or to within certain bulk and locational requirements.</p> <p>d) the extent to which the proposal would cause loss of sunlight, daylight, or privacy to adjoining sites.</p> <p>e) the extent to which a reasonable degree of amenity is achieved on the site being developed.</p> <p>f) whether the activity is in the Airport Effects Control Overlay, or the Airport Effects Advisory Overlay.</p> <p>g) the ability to provide adequate outdoor living areas, and parking and manoeuvring on site.</p> <p>h) in the case of existing vacant cross lease and unit titles, the degree to which the owners of the titles would have had an expectation of being permitted to erect a residential unit on the site.</p> <p>i) in addition to the above, for the lower density areas, the extent to which decreases in site size or increased building coverage would have an adverse effect on the consistency and amenity of the area, and/or the presence of mature on-site vegetation.</p> <p>j) the extent to which the site could be more effectively used, and the minimum site size be accordingly reduced, if an existing building were removed or relocated.</p> <p>k) the extent to which the amenity and appearance of an existing building on the site would be compromised by the proposed development.</p> <p>l) the extent to which smaller sites or higher building densities could be allowed as a trade-off for the protection of a heritage item, significant trees or vegetation, or a cultural or spiritual item on the site (if the development does not compromise those heritage or other values).</p> <p>m) the special requirements of any Heritage Precinct, having regard to the character of the area and any flexibility that might be required to compensate for constraints the guide may place on development (e.g. of a second storey)(see the design guide for the relevant precinct).</p> <p>n) any aspects of the Guidelines for Comprehensive Housing Development (Appendix 22) that are relevant to the consent application.</p> <p>o) the degree of outlook from each residential unit.</p> <p>p) the provision of alternative areas for recreation, including public open spaces in close proximity to the site.</p> <p>q) the probable outdoor living needs of the existing or likely future residents. Opportunities to use rooftops of buildings, including buildings on other residential sites to provide outlook or outdoor living areas.</p>	<p>REr.23.5 and REr.24.5</p> <p>Site Area and Site Coverage:</p> <p>These two standards are closely related, and are major determinants of the character of the residential areas of the city. The size of residential sections and the proportion of each section that is retained as open space or available for tree and garden plantings are key factors in determining the visual amenity, spaciousness, levels of privacy, access to sunlight and daylight, and pleasantness of each residential environment.</p> <p>The overall pattern is made of three areas:</p> <p>The Lower Density Area which is comprised of the early settled parts of Nelson at the northern toe of the Grampians, the Tahunanui hillside (which is subject to slope stability constraints), and Ardilea Ave in Stoke, and the Marsden Valley Residential Area (see Schedules I and V)^{PC13} and land north-west of the Marsden Valley Cemetery. Note: Some areas around the airport are also lower density to minimise the intensity of development that is potentially exposed to noise - see Rule REr.64 (Airport Effects Control Overlay: Minimum Site Area).</p> <p>The standard density area covers the bulk of the residential areas in Nelson. The building coverage and open space requirements are intended to largely maintain the existing character of the residential environment, which balances open space with building bulk.</p> <p>The Higher Density Area includes The Wood, an area of <u>both Ngawhatu and Marsden Valleys</u> adjacent to the Suburban Commercial Zones^{PC13}, and an area surrounding the Stoke Shopping Centre. The areas are flat or of gentle contour, close to shops or zoning for commercial and other facilities, making them suitable for more intensive development. These areas tend to be popular with older people, but not exclusively. The Wood also has a considerable amount of land occupied by glasshouses which is gradually being converted to higher intensity housing.</p> <p>An exemption is provided for allotments of less than the required minimum area if they existed, or were granted subdivision consent, before the Plan was notified on 25 October 1996. One residential unit is permitted on such an allotment. In order to be a permitted activity, the residential unit would have to comply with other rules e.g. site coverage, daylight admission, parking.</p> <p>The ability to apply for a reduction of up to 10% in the minimum area allocated to a residential unit is provided for as a discretionary activity (except in the Marsden Valley Residential Area where any departure from the minimum standard is a Non-Complying Activity)^{PC13} (see Schedule I). A specific building proposal must accompany the application. This recognises that it is easier to assess, and address, any adverse effects associated with a smaller section when there is a specific housing proposal accompanying it. The amount of any reduction in size, or whether the exemption is granted, will depend on the merits of the case, and on site and off site effects on the residential amenity.</p> <p>Exceeding the specified coverage by up to 10% is provided for as a discretionary activity (except within the Marsden Valley Residential Area where any departure from the minimum standard is a Non-Complying Activity)^{PC13} (see Schedule I). As with site size, the success of the application will depend on the merits of the situation.</p> <p>The limits on exercising discretion for both site size and site coverage are set as maximums. There should be no expectation that the maximum will necessarily be granted.</p> <p>Note: All subdivision in a Heritage Precinct is a discretionary activity; see Rule REr.113.</p> <p>(Parking is dealt with in Rules REr.38 (parking) and REr.39 (parking or storage of heavy vehicles)).</p> <p>Note: REr.23 (minimum site area) and REr.24 (site coverage) do not apply to Wakefield Quay Precinct – refer to Rule REr.84 (Wakefield Quay Precinct).</p>

PC13 Plan Change 13 (Marsden Valley)

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RER.25 Front yards</p>	<p>RER.25.1</p> <p>Buildings in a front yard (i.e. the area within 4m of the road boundary) are permitted if:</p> <ul style="list-style-type: none"> a) building coverage of the front yard does not exceed 33%, and b) buildings are set back at least 1.5m from the road boundary, and c) no accessory building other than a garage is erected, and d) any building is compatible in design and colour scheme with the principal building on the site, and e) painting of the building occurs within 6 months of its construction, where painting is necessary, and f) any length of wall greater than 5m long without a window or door, and sited more or less parallel to the road boundary, is permanently screened from the road or common vehicle access by a landscape strip not less than 1.5m wide and 1m high, and g) a 90% design vehicle can be located in front of the vehicle entrance of any garage so as not to obstruct the passage of pedestrians and vehicles. (This provision does not apply to land where the gradient is greater than 1 in 3.) 	<p>RER.25.2</p> <p>Buildings in a front yard (i.e. the area within 4m of the road boundary) are controlled if:</p> <ul style="list-style-type: none"> a) any part of a building is within 1.5m of the road boundary, and b) building coverage of the area within 4m of the road boundary does not exceed 33%, and c) no accessory building other than a garage is erected within 4m of the road boundary, and d) any vehicle access complies with the line of sight requirements in Rule RER.30 (buildings and fences near vehicle accesses), and e) any door or window cannot swing beyond the road boundary of the site. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the design and location of the building, and any adjoining fence, and ii) the design and appearance of the building, and iii) landscaping or similar site treatment. <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>RER.25.3</p> <p>Activities that contravene a permitted condition or a controlled standard are discretionary.</p>

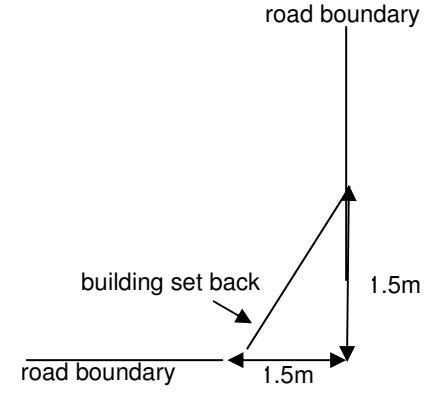
Assessment Criteria	Explanation
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REr.29.4

- a) any impacts on driver visibility, having regard to the width of the road, the configuration of the corner, lines of sight and the width of any unformed road reserve.
- b) any adverse effect on traffic visibility, affecting pedestrian and vehicle safety.
- c) the streetscape and the impact on scale, character and open space.
- d) constraints from existing development or unusual site shape or natural and physical features.

REr.29.5

An extra setback for buildings on corner sites is included. This is to ensure adequate line of sight for vehicles at street intersections.



The diagram illustrates a corner site. A vertical line represents the 'road boundary' on the right side. A horizontal line represents the 'road boundary' on the bottom side. A diagonal line represents the 'building set back' from the corner. A vertical dimension line indicates a 1.5m setback from the vertical road boundary to the building setback line. A horizontal dimension line indicates a 1.5m setback from the horizontal road boundary to the building setback line.

REr.30.4

- a) whether windows or doors can be modified to prevent them opening onto the access.
- b) the layout and topography of the intersection of the access and road, and how this affects driver and pedestrian lines of sight.
- c) impacts on pedestrian and vehicle safety.
- d) whether devices such as mirrors could help improve visibility.
- e) whether vehicles can effectively negotiate the vehicle access.

REr.30.5

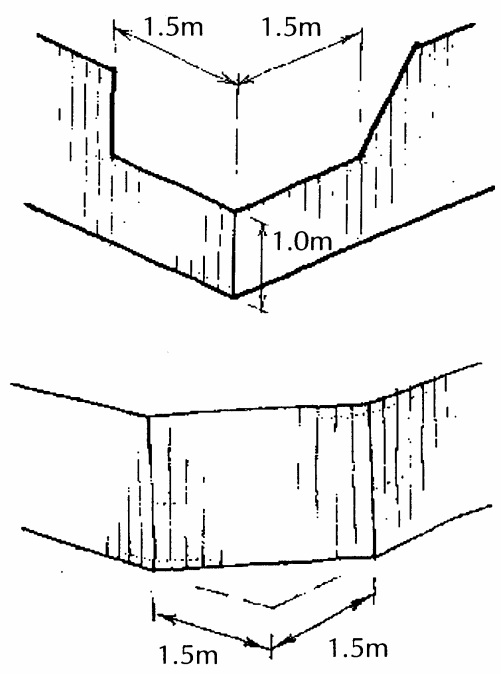
Eaves and so forth overhanging an access can prevent the passage of trucks and vans, and doors and windows that open outwards can be hazardous.

Sight line requirements are included where vehicle accesses join a road for safety reasons. The rule stipulates an area within which there must be a line of sight to the footpath.

These sight requirements could be met by leaving the area free of buildings, having a low hedge or fence, or by having a fence which allowed a clear view through it (in the area subject to the rule). Having a very wide access is another way in which the line of sight requirements might be met.

Note: Where a road widening designation is shown on the Planning Maps and defined in Appendix 24 (designations), this is considered the road boundary.

See the following 'advisory rule', for information about the height of fences.



The top diagram shows a 3D perspective of a road access. The access is 1.5m wide. A fence 1.0m high is shown along the side of the access. The bottom diagram shows a 2D plan view of a road access. The access is 1.5m wide. A fence is shown along the side of the access.

Item	Permitted	Controlled	Discretionary/Non-complying
REr.31 Fences	REr.31.1 (There is no specific rule on fences. Note that the allowable height for a fence is prescribed by the definition of 'building' in Chapter 2. A fence up to 2m in height is not defined as a building. Therefore it is exempted from any set back or other rules that limit buildings being built up to the boundary.)	REr.31.2	REr.31.3
REr.32 Maximum building height	REr.32.1 The maximum permitted height for buildings is 7.5m. (see Chapter 2 Meanings of Words for definitions of 'Height' [including chimneys] and 'Height measurement')	REr.32.2 not applicable	REr.32.3 Activities that contravene a permitted condition are discretionary.
REr.33 Relocated buildings	REr.33.1 Relocation of a building from another site is permitted if: the gross floor area is less than 30m ² .	REr.33.2 Relocation of a building from another site is controlled if: a) the gross floor area is greater than 30m ² . Control reserved over: i) the external appearance of the building, and ii) landscaping of the site, and iii) timing of completion of work.	REr.33.3 not applicable

Assessment Criteria	Explanation
REr.31.4	<p>REr.31.5</p> <p>This 'rule' is advisory i.e. it provides the reader with information, and has no regulatory effect.</p>
<p>REr.32.4</p> <ul style="list-style-type: none"> a) the effect on streetscape and the general amenity values in the locality. b) the scale and bulk of the structure in relation to the street, the site and the locality. c) the extent to which landscaping, or greater than required building setback distances could mitigate the height. d) proximity of residential development on an adjoining site. e) any natural and physical constraints on the use of the site. f) whether the layout or topography of the site may reduce the adverse effects of a taller structure. g) the extent to which the proposed development will visually intrude or dominate an adjacent activity. h) the manner in which the proposed development might protect or enhance the amenities of the adjoining land. i) impacts on any significant views or landscapes in Appendix 9 (landscape components and views). 	<p>REr.32.5</p> <p>Building height is limited to a scale normally accepted in a residential area. The permitted standard allows 2 storey buildings.</p> <p>Allowing higher buildings within the Residential Zone requires greater scrutiny. Therefore, buildings over 7.5m or averaging over 7.5m on sloping ground are discretionary.</p> <p>This rule does not apply to Wakefield Quay Precinct – refer to Rule REr.84.</p> <p>Note: Airport Height Restrictions may also affect some properties, especially at Monaco - see Maps A3.1 and A3.2.</p>
<p>REr.33.4</p> <ul style="list-style-type: none"> a) the exterior materials used, their condition and quality, including whether recladding may be required for the building to be brought up to an acceptable standard b) the period required for restoration work to be undertaken c) how prominent the site is to neighbours or from any public place d) whether bonds or covenants are required to enforce compliance with conditions. 	<p>REr.33.5</p> <p>Relocated buildings can be an efficient reuse of a valuable resource. However, in the residential zone, conditions are needed to ensure that the relocated building is promptly restored and blended into the site.</p> <p>There are no additional controls in the Plan on relocating older buildings into new residential subdivisions. If this is a concern to the developers of such subdivisions, then they should consider the use of private covenants on the title to restrict this.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
REr.34 Building over or alongside drains and water mains	REr.34.1 a) Structures: i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the pipe is less than or equal to 300mm in diameter, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the pipe is greater than 300mm in diameter, and iii) which are balconies, may overhang the line of the pipe or drain, provided the balcony is cantilevered and its height above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram). b) Carports may be constructed over pipes or drains (but not water mains or other pressurised pipelines) provided that: i) The foundations are located in accordance with a) iv) above; and ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and iii) The carport is not closed in; and iv) The floor is not concrete to a depth greater than 150mm; and v) An encumbrance is registered on the certificate of title for the property acknowledging the location of the pipe or drain under the structure and reminding future owners that rules b).ii), b).iii) and b).iv) (above) apply and that access to the pipe or drain for maintenance and repair (and re-instatement afterwards) must be made available at the structure owner's cost). c) As an alternative to (a) and (b), structures may be located over common private or public sewer or stormwater drains or pipes (but not pressurised pipes), if they comply with Appendix 14, Table 14.5.2, "Acceptable Techniques for Building over Drains or Pipelines".	REr.34.2 not applicable	REr.34.3 Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity. Discretion restricted to: i) The design and location of the structure, and ii) Access to pipework for maintenance, and iii) The nature and location of the pipework. Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.
REr.35 Daylight admission	REr.35.1 Buildings are permitted if: a) they comply with the requirements in Appendix 15.	REr.35.2 not applicable	REr.35.3 Activities that contravene a permitted condition are discretionary.

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

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

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

Item	Permitted	Controlled	Discretionary/Non-complying
REr.56 Network utility - roads	REr.56.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the standards in Appendix 14 (design standards), Table 14.5.1, are complied with.	REr.56.2 not applicable	REr.56.3 Activities that contravene a permitted condition are discretionary.
REr.57 Neighbourhood parks	REr.57.1 Playgrounds, service buildings, informal recreation, galas, festivals, ceremonies and outdoor performances are permitted, if any structure (including a fence) : a) does not exceed a height of 3m (for playground equipment), or 4.5 m for service buildings, and b) complies with the other rules in this Rule Table.	REr.57.2 not applicable	REr.57.3 Activities that contravene a permitted condition are discretionary.
REr.58 Building on low lying sites	REr.58.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above, or ground level is raised and compacted to at least those levels , and i) in accordance with NZS 4431:1989 (Code of practice for earthfill or residential development) and ii) such that stormwater runoff from the site is not directed onto other sites, and that stormwater runoff from other sites is not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	REr.58 not applicable	REr.58.1 Buildings that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.

Assessment Criteria	Explanation
<p>REr.56.4</p> <ul style="list-style-type: none"> a) the Engineering Performance Standards in Appendix 13. b) the noise and air emissions from the road, taking account of the nature of nearby activities. c) any implications for traffic and pedestrian safety, both positive and adverse. d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e) any impacts on communities eg. whether the road would divide a neighbourhood. f) any opportunities to provide views and vistas from the road. 	<p>REr.56.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>
<p>REr.57.4</p> <ul style="list-style-type: none"> a) the compatibility of the structure with its surroundings and its appropriateness in the particular park. b) the nature of the adjacent land uses. c) privacy for adjacent land use activities. d) any effects on the outlook of the adjoining properties. e) any positive impacts in terms of recreational opportunities. f) any noise or other adverse effects associated with the activity. g) any landscaping or other site treatment proposed to deal with any adverse effects of the activity. 	<p>REr.57.5</p> <p>Neighbourhood parks are generally included in the Open Space and Recreation Zone. Many of these parks are created when land is subdivided, or when land is acquired to provide parks for the growing city. Prior to a Plan Change that would change the zoning to Open Space and Recreation, small neighbourhood parks are likely to be in the Residential Zone. It is therefore necessary to make some provision for neighbourhood parks in this zone especially where they have very little adverse impact, or enhance the amenity of the neighbourhood.</p>
<p>REr.58.4</p> <ul style="list-style-type: none"> a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) the Engineering Performance Standards in Appendix 13. 	<p>REr.58.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding. Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule REr.61 (earthworks) where a site is to be filled.</p> <p>A resource consent to erect a building or undertake major alterations within an inundation area does not remove the need to obtain a building consent under the provisions of the Building Act 2004.</p> <p>Where land is subject to a natural hazard, Section 72 of the Building Act 2004 applies.</p> <p>If the proposed building work does accelerate, worsen or create a natural hazard on that or any other property, the Building Consent Authority (the Council) can issue a building consent under section 72 of the Building Act. A building consent issued under Section 72 can not require the owner to take measures to protect the land or buildings from inundation but will be subject to a notation placed on the property/s title that the property may still be subject to a natural hazard.</p> <p>This low lying site rule does not apply within the Inundation Overlay - see REr.83 (inundation overlays).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RER.59 Vegetation clearance [note – this rule is a regional and a district rule]</p>	<p>RER.59.1 Vegetation clearance is a permitted activity if:</p> <ul style="list-style-type: none"> a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays); except for the purpose of : <ul style="list-style-type: none"> i) forming or constructing a fire break, fence line, survey line, or ii) installing a utility service line across the river, or iii) for domestic garden activity, or iv) maintenance of State Highways, or v) the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity; and b) it does not take place within 20m of the coastal marine area, except maintenance of State Highways, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity, and c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and d) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance, and e) After reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and f) After reasonable mixing there are no significant adverse effects on aquatic life, and g) there is no clearance of indigenous forest, and h) <u>there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, and providing an exception for vegetation clearance required for:</u> <ul style="list-style-type: none"> i) maintenance of State Highways, or ii) <u>the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</u> iii) <u>forming or maintaining vehicle access ways to land where there is no viable alternative access route available.</u>^{PC13} 	<p>RER.59.2 Vegetation clearance within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, is controlled if:</p> <ul style="list-style-type: none"> a) the vegetation to be cleared is not indigenous forest, or is plantation forest planted before 25 October 1996 (the date of notification of this Plan), and b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and c) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) loss of topsoil, or movement of soil down slope, and ii) damage to structures or adjoining properties, and iii) soil and vegetation entering rivers, and iv) damage to instream habitats, and v) adverse effects on catchment stream flow, including stormwater, and vi) river bank erosion, and vii) duration of exposure of bare soil to wind and rainfall, and viii) catchment water quality including suspended sediment load and increased stream bed load, and ix) the method and timing of the activity, and x) the area to be cleared at any one time, and xi) the provision of structures to control soil erosion or sedimentation, and xii) the timing and techniques used for revegetation. 	<p>RER.59.3 Vegetation clearance that contravenes a controlled standard is a <u>restricted discretionary activity</u>.^{PC13} Discretion restricted to:</p> <ul style="list-style-type: none"> i) loss of topsoil or movement of soil down slope, and ii) the potential for slope failure, and iii) damage to structures or adjoining properties, and iv) soil and vegetation entering rivers and coastal water, and v) damage to instream and coastal habitats, and vi) adverse effects of catchment stream flow, and vii) stream bank and coastal erosion, and viii) duration of bare soil to wind and rainfall, and ix) water quality, including suspended sediment load and increased stream bed load, and x) the method and timing of the activity, and xi) the area to be cleared at any one time, and xii) the provision of structures to control soil erosion or sedimentation, and xiii) the timing and techniques used for revegetation, and xiv) the long term management of the land cleared, and xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and xvi) the values set out in Appendix 6 Table 6.1 for any river, and xvii) the matters in Appendix 9 (landscape components and views), and xviii) the matters in Appendix 4 (marine ASCV overlay), and xix) <u>effects on the values and function of any biodiversity corridor.</u>^{PC13}

Assessment Criteria	Explanation
<p>REr.59.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in REr.59.2, and restrict its discretion to the matters listed in REr.59.3.</p>	<p>REr.59.5</p> <p>This rule generally follows the pattern of the Regional Plan for the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Ordinary garden activity such as mowing lawns, or trimming or removing individual shrubs is permitted as is clearance for the purpose of installing or maintaining utility service lines.</p> <p>Vegetation clearance adjacent to rivers and the coastal marine area have, because of their location, a high potential to cause soil erosion (river bank or coastal erosion), or sedimentation effects and are therefore controlled.</p> <p>Plantation Forest clearance near rivers and the coast is more tightly regulated after the date of notification of this Plan because it will have been planted in the knowledge that clearance near rivers would be regulated. Clearance of forest planted before that date are given controlled status to accommodate the expectations of owners at the time. Most rivers are included in Appendix 6 (riparian and coastal margin overlays).</p> <p>Indigenous forest is specially protected to preserve intrinsic values of ecosystems, visual and other amenity values, as well as the relationship of Maori to their ancestral lands.</p> <p>Vegetation clearance in the Conservation Overlay is regulated by a separate rule.</p> <p><u>Vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.</u>^{PC13}</p>

^{PC13} Plan Change 13 (Marsden Valley)

Item	Permitted	Controlled	Discretionary/Non-complying
<p>REr.60 Soil disturbance</p> <p>[note – this rule is a regional and a district rule]</p>	<p>REr.60.1</p> <p>Soil disturbance is a permitted activity if:</p> <p>a) either: the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following:</p> <p>i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or</p> <p>ii) maintaining a state highway, road, track or landing, or</p> <p>iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity,</p> <p>iv) cultivation in the course of normal garden activity to a depth not exceeding 300mm and a maximum area of 100m² per site, and</p> <p>b) soil disturbance does not take place within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, except for:</p> <p>i) the purpose of forming or constructing a firebreak, fence line, survey line or installing a utility service line across a river, or</p> <p>ii) cultivation of land with a predominant slope not exceeding 6 degrees from horizontal, provided cultivation is at least 2m from the banks of the river, or</p> <p>iii) the purpose of maintaining a State Highway, or</p> <p>iv) the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and</p> <p>c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of disturbance, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, <u>and</u></p> <p>h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>REr.60.2</p> <p>Soil disturbance that contravenes a condition for permitted activities is controlled if:</p> <p>a) the predominant slope does not exceed 35° from horizontal, and</p> <p>b) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>c) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance, and</p> <p>d) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation.</p>	<p>REr.60.3</p> <p>Soil disturbance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) the values set out in Appendix 6, Table 6.1 for any river, and</p> <p>xvii) the matters in Appendix 9 (landscape components and views), and</p> <p>xviii) the matters in Appendix 4 (marine ASCV overlay).</p>

Assessment Criteria	Explanation
REr.67.4	REr.67.5
REr.68.4 a) the visual impacts of the proposed activity. b) any possible alternative locations or methods available. c) the applicant's reasons for choosing the proposed location for the activity. d) any vegetation clearance associated with the activity. e) whether the impacts of the activity can be remedied or mitigated sufficiently for it to be accommodated within the landscape. eg. by painting, change of materials, landscaping, placement or other measures. f) any impacts on soil erosion or sedimentation of water ways. g) the stability of the land. h) Appendix 9 (landscape components and views).	REr.68.5 Construction of new, or alteration of network utility structures will have a greater adverse visual effect than the maintenance of existing structures. Refer to Chapter 2 (Meaning of Words) for definition of 'maintenance'. Construction or alteration of structures, have been made discretionary activities, so that each application can be judged on its merits. Earthworks and vegetation clearance are dealt with under Rules REr.61 (earthworks) and REr.59 (vegetation clearance).

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

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

Item	Permitted	Controlled	Discretionary/Non-complying
REr.98 Archaeological sites	REr.98.1 On any site containing an Archaeological Site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps, erection or extension of any building or other structure, any soil disturbance, or any earthworks is permitted if: a) written advice that the proposed activity will not adversely affect the values of the archaeological site is obtained from: i) in the case of a Maori archaeological site, the relevant iwi, or ii) in the case of other sites, a suitably qualified and experienced archaeologist.	REr.98.2 not applicable	REr.98.3 Activities that contravene a permitted condition are discretionary. (In situations where the extent of the archaeological site is unclear, the application may be required to be accompanied by an archaeological survey of the area surrounding the site, carried out by a person suitably qualified and experienced in archaeological survey.)
REr.99 Bishopdale Pottery (Scheduled Site - Sch.B)	REr.99.1 Activities are permitted if: they comply with Schedule Sch.B.	REr.99.2 Schedule Sch.B applies	REr.99.3 Schedule Sch.B applies
REr.100 Nelson Marlborough Health Services (Scheduled Site - Sch.C)	REr.100.1 Activities are permitted if: a) they comply with Schedule Sch.C.	REr.100.2 Schedule Sch.C applies	REr.100.3 Schedule Sch.C applies
REr.101 BP Annesbrook (Scheduled Site - Sch.D)	REr.101.1 Activities are permitted if: a) they comply with Schedule Sch.D.	REr.101.2 Schedule Sch.D applies	REr.101.3 Schedule Sch.D applies
REr.102 Ngawhatu Residential Area (Scheduled. Site - Sch.E)	REr.102.1 Activities are permitted if: a) they comply with Schedule Sch.E.	REr.102.2 Schedule Sch.E applies	REr.102.3 Schedule Sch.E applies
REr.103 Polytechnic (Scheduled Site - Sch.F)	REr.103.1 Activities are permitted if: a) they comply with Schedule Sch.F.	REr.103.2 Schedule Sch.F applies	REr.103.3 Schedule Sch.F applies
REr.104 Trafalgar Street/Hathaway Court (Scheduled Site - Sch.G)	REr.104.1 Activities are permitted if: a) they comply with Schedule Sch.G.	REr.104.2 Schedule Sch.G applies	REr.104.3 Schedule Sch.G applies
REr.105 Bishopdale Subdivision Area (Scheduled Site – Sch H)	REr.105.1 Schedule Sch H applies.	REr.105.2 Schedule Sch H. applies.	REr.105.3 Schedule Sch H applies.
REr.106 Marsden Valley Residential Area ^{PC13} (Scheduled Site – Sch I)	REr.106.1 Schedule Sch.I applies.	REr.106.2 Schedule Sch.I applies.	REr.106.3 Schedule Sch.I applies.
REr.106A Marsden Plateau Landscape Area (Scheduled Site – Sch U)	REr.106A.1 Schedule Sch. U applies	REr.106A.2 Schedule Sch. U applies	REr.106A.3 Schedule Sch. U applies
REr.106B Marsden Hills Scheduled Site – Sch V)	REr.106B.1 Schedule Sch. V applies	REr.106B.2 Schedule Sch. V applies	REr.106B.3 Schedule Sch. V applies

Assessment Criteria	Explanation
REr.98.4 a) the nature, form and extent of the proposed activity and its effects on the site. b) the impacts on the integrity or heritage value of the site. c) the findings of an archaeological survey of the area surrounding the site commissioned by the applicant, and carried out by a person suitably competent in archaeological survey. d) where the application relates to a Maori archaeological site, the response of the tangata whenua. e) if the site is to be modified, whether there is sufficient time and expertise to record the site. f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site.	REr.98.5 Archaeological sites are sites of human activity before 1900. In this Plan the majority are Maori sites, with most non-Maori sites being on the Heritage Buildings, Places and Objects list (Appendix 1). The archaeological sites identified on the Planning Maps are from the registers of the Historic Places Trust and the NZ Archaeological Association. A resource consent is required where written advice is not available that the site will be unaffected. This allows examination of the extent of the site, and how the proposed activity could affect the values associated with the site. Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified. This applies to archaeological sites uncovered accidentally. Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority. In the case of accidental discovery, the relevant iwi should be contacted immediately so that they can decide what action should be taken. In addition, the Historic Places Trust should be notified.
REr.99.4 See Schedule Sch.B.	REr.99.5 See Schedule Sch.B. The schedules for this zone follow after the Rule Table.
REr.100.4 See Schedule Sch.C.	REr.100.5 See Schedule Sch.C. The schedules for this zone follow after the Rule Table.
REr.101.4 See Schedule Sch.D.	REr.101.5 See Schedule Sch.D. The schedules for this zone follow after the Rule Table.
REr.102.4 See Schedule Sch.E.	REr.102.5 See Schedule Sch.E. The schedules for this zone follow after the Rule Table.
REr.103.4 See Schedule Sch.F.	REr.103.5 See Schedule Sch.F. The schedules for this zone follow after the Rule Table.
REr.104.4 See Schedule Sch.G.	REr.104.5 See Schedule Sch.G. The schedules for this zone follow after the Rule Table.
REr.105.4 See Schedule Sch H.	REr.105.5 See Schedule Sch H. The schedules for this zone follow after the Rule Table.
REr.106.4 Schedule Sch.I applies.	REr.106.5 Schedule Sch.I applies. The schedules for this zone follow after the Rule Table
REr.106A.4 Schedule Sch. U applies.	REr.106A.5 Schedule Sch. U applies. The schedules for this zone follow after the Rule Table
REr.106B.4 Schedule Sch. V applies	REr.106B.5 Schedule Sch. V applies. The schedules for this zone follow after the Rule Table

subdivision rules

Item	Permitted	Controlled	Discretionary/Non-complying
REr.107 Sub-division General	REr.107.1 Not a permitted activity	REr.107.2 Any subdivision is controlled, if: <ol style="list-style-type: none"> a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14, and b) the land is not in a Services, Natural Hazard, Landscape, or Heritage Overlay (excluding Wakefield Quay Precinct) shown on the Planning Maps, and c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and. e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, except in the Inundation Overlay, and f) the net area of every allotment is at least: <ul style="list-style-type: none"> Lower Density Area: 600m² <u>Port Effects Control Overlay 600m² ^{07/01}</u> Lower Density Area (Stoke): 1,000m² average with a minimum of 850m² Higher Density Area: 300m² Remainder of Zone 400m² except for allotments created solely for access or utility services, and g) a rectangle, measuring 15m by 18m, is capable of being located within the boundaries of any allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is within 10m of the road boundary, except for allotments created solely for access or utility services, and h) any existing buildings comply with the conditions for permitted activities, or a resource consent, and i) for any allotment with frontage to the eastern side of Main Road Stoke, from Saxton Road East to the Suburban Commercial Zone by Ardilea Avenue, a 6m wide landscaped strip adjoining the boundary of Main Road Stoke, planted to the satisfaction of the Manager of Parks and Recreation, is established and vested in the Council, and j) at the time of subdivision of any property adjoining the Nayland Road South Industrial/Residential Zone boundary, a buffer strip of at least 20m in width shall be set aside, and a landscaped bund at least 3m high constructed within it, along the section of the Industrial/Residential Zone boundary concerned. Each section of earth bund shall be joined with any existing sections of the bund so as to form a continuous barrier. The buffer strip may, subject to encumbrances registered on the land titles, be on either side of the Industrial/Residential Zone boundary, or may include land on both sides. k) at the time of subdivision of any property in the Lower Density (Stoke) area, there is a maximum of one vehicle access point on to Main Road, Stoke, per original allotment as existed 13 June 2001. The access shall be located so as not to preclude the use of that access for the subdivision of adjoining properties. l) in respect of the Ngawhatu Residential area compliance with Schedule E rules requiring subdivision layout to generally accord with the Schedule E Outline Development Plan. m) in respect of the Marsden Hills area compliance with Schedule V rules requiring subdivision layout to generally accord with the Schedule V Outline Development Plan. n) <u>In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan.</u> ^{PC13} <p><i>Continued overleaf...</i></p>	REr.107.3 Any subdivision that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if: <ol style="list-style-type: none"> a) every allotment (other than an access lot) complies with the standards relating to stormwater and sewerage in Appendix 14, and b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.

^{07/01} Port Noise Variation Notified 14/07/07
^{PC13} Plan Change 13 (Marsden Valley)

Assessment Criteria	Explanation
<p>REr.107.4</p> <ul style="list-style-type: none"> a) the matters in Appendix 13 (Engineering Performance Stds) b) the extent of compliance with Appendices 10 to 12, 14, 22 and 23. c) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided. d) in the case of conversion to freehold of cross lease allotments existing prior to the notification of this Plan: the need to provide greater flexibility than the standards in Appendices 10 to 12, and 14 allow, except where these are necessary to mitigate adverse effects arising from the conversion. e) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services. f) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards. g) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated. h) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure. i) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape, views or amenity values of the area (see Appendix 9 - landscape components and views). j) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land. k) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation. l) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction. m) financial contributions (see Chapter 6). n) the development potential of other adjacent land. o) the ground level required to avoid the effects of flooding. p) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. q) effects on neighbouring properties, especially stormwater runoff. r) provision of adequate flow paths for surface flooding. s) the possibility of an overloaded public storm water system overflowing onto private property. t) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land. u) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act. v) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment. w) an existing protection of the area including any existing Esplanade Reserves or Strips or any protective covenants. x) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants. y) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances. z) in the case of an allotment less than the stated minimum net area, the relevant assessment criteria in REr.23 (minimum site area). <p><i>Continued overleaf...</i></p>	<p>REr.107.5</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers and other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The shape factor for land parcels is specified to ensure that sites are of a shape that will maximise the range and efficiency of potential uses of the land ie. such that complying buildings can be reasonably placed on them at a later stage.</p> <p>There is an extra provision regarding the position of the shape factor in relation to the front boundary of a front site. This ensures reasonable widths of section are presented to the street, and that the streetscape is not just a series of narrow frontages comprised of driveways.</p> <p>It also helps clarify the difference between a front and rear site. This is important, since on rear sites, the area occupied by accesses up to a certain width is deducted to determine net area of a site.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of Esplanade Reserves and Strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2, have been identified as containing riparian values in accord with section 229 of the Act . In some cases riparian protection already exists, or special circumstances exist, which make the taking of Esplanade Reserves or Strip unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1.</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequential effects on stormwater ponding. Monaco is exposed to wind driven tidal surge and wave set, hence additional safety margin is required there.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule REr.61 (earthworks) where a site is being filled.</p> <p>Where the allotment is to be less than the minimum net area stated in REr.103.2 (subdivision), see rule REr.23.</p> <p><i>Continued overleaf...</i></p>

Item	Permitted	Controlled	Discretionary/Non-complying
		<p>REr.107.2 (<i>continued</i>)</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the matters contained in Appendix 13 (engineering performance standards), and ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and v) riparian management, and. vi) public access, and vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> a) appropriate vehicle access, and b) the intensity of residential units to be erected on each lot and the siting of such buildings, and c) provision of services, and ix) stormwater management, and x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and xi) financial contributions in accordance with Chapter 6, and xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose. xiii) in the Ngawhatu Residential area the matters contained in Schedule E – Outline Development Plan, and xiv) within the Ngawhatu Residential areas (Schedule E) provision of adequate cycle and pedestrian routes and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west, and xv) in the Ngawhatu Valley area (Highland and York Valley) protection measures (in addition to listed protected trees) for significant and essential trees, and <p>NOTE: see information for subdivision requirements under AD8.3</p> <ul style="list-style-type: none"> xvi) in the Ngawhatu Valley area (Highland and York Valley) the subdivision layout and access provisions integrating residential neighbourhoods into the mature landscape. xvii) <u>For areas subject to a Structure Plan or Outline Development Plan, the matters contained on those including:</u> <ul style="list-style-type: none"> • <u>the provision of adequate road, walkway and cycleway linkages, 'greenspace' and biodiversity corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan, Outline Development Plan or within the Planning Maps;</u> • <u>any specific rules, schedules or other notations shown on the Structure Plan or Outline Development Plan as applying to that land.</u>^{PC13} <p>In the Inundation Overlay, in addition to the matters listed above, control is reserved over:</p> <ul style="list-style-type: none"> a) finished ground level, and b) the nature of infill, its compaction and placement. 	

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Assessment Criteria	Explanation
<p>REr.107.4 (<i>continued</i>)</p> <p>aa) the potential for residential activity to be affected by the operation of the Nayland Road South food processing activities.</p> <p>bb) the density of planting, mature height and species of plant proposed in any required landscaping.</p> <p>cc) potential shading of neighbouring properties from development of the site, including fences.</p> <p>dd) in Ngawhatu Valley and the land between the Valleys, the extent of provision for pedestrian linkages between open space areas, commercial areas, residential neighbourhoods, and neighbouring land to ensure over time pedestrian links connect up to the Barnicoat Walkway in accordance with Schedule E. Pedestrian linkages should extend across the Ngawhatu area to connect into Marsden Valley in accordance with Schedule E.</p> <p>ee) in Ngawhatu Valley the proposed protection (in addition to listed, protected trees) for significant and essential trees, to ensure the special mature landscape and amenity values of the site are maintained.</p> <p>ff) in Ngawhatu Valley the extent to which the subdivision layout and access provisions, creates residential neighbourhoods integrated into the mature landscape.</p> <p>gg) in Ngawhatu Valley and the land between the Valleys, the measures proposed to address cross-boundary conflicts with the adjoining Rural Zone.</p> <p>hh) within the Ngawhatu Residential area (Schedule E) provision of adequate cycle and pedestrian route and linkages, including both connections within the subdivision and connections between the subdivision and adjacent land to the north and west.</p> <p>ii) in Marsden Valley and the land between this <u>and Enner Glynn and Ngawhatu Valleys</u>, the extent of provision for pedestrian and cycle linkages between open space areas, residential neighbourhoods, and neighbouring land to ensure over time pedestrian and cycle links connect up to the Barnicoat Walkway and between the valleys in accordance with <u>Schedule I and Schedule V</u>.</p> <p>jj) <u>for Marsden Valley Schedule I area the extent to which any proposal and / or development is in general accordance with Schedule I and with the associated Structure Plan (Schedule I Figure 1).</u>^{PC13}</p>	<p>REr.107.5 (<i>continued</i>)</p> <p>The provisions relating to subdivision adjoining the Nayland Road South Industrial/Residential Zone boundary requires a landscaped bund to physically separate the Nayland Road South industrial area from adjoining residential activities. A similar subdivision rule has been imposed on the Industrial Zone. The purpose of the landscaped bund is to ensure the Residential Zone can coexist alongside the Nayland Road South industrial area.</p> <p>See Schedule I for Marsden Valley-Residential Area.^{PC13}</p>

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Subdivision Rules relating to Overlays on the Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying
<p>REr.108 Services Overlay Subdivision</p>	<p>REr.108.1 Subdivision is not a permitted activity.</p>	<p>REr.108.2 not applicable</p>	<p>REr.108.3 Subdivision in the Services Overlay, is discretionary, if: a) every allotment (other than an access lot) complies with the standards relating to stormwater and sewerage in Appendix 14, and b) every allotment (other than an access lot) is connected through gravity fed pipes to the Council water supply system.</p>

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

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

Sch.I Marsden Valley Residential Area^{PC13}

I.1 Application of the Schedule

This schedule applies to the area shown as Sch.I on Planning Maps 31, 34 and 54, within Marsden Valley. The Schedule relates to rule REr.106 and to Figure 1 attached.

The scheduled area includes land in (parent) certificates of title 10D/929, 5D/1042, 1B/549, 8C/936 (as shown on Figure 1.)

I.2 General Rules

- a) The area subject to this schedule is defined in detail in Figure 1.
- b) All rules and overlays in the Residential Zone apply except where these are varied below.
- c) The stands of vegetation or individual trees shown on the Planning Maps and in Figure 1, are listed in Appendix 2 of the Plan and the normal rules in relation to landscape and heritage trees shall apply.
- d) No buildings are permitted within the area between the Marsden Valley Road boundary and the building set back line as defined in Figure 1.
- e) Vehicle accesses shall be shared by a minimum of two residential units within the area described as Homestead Flat on Figure 1.
- f) A maximum of 3 residential units, including not more than 1 ancillary building per residential unit, are permitted in the area between the Landscape Woodland and the building set back line as shaded in Figure 1.
- g) Fences erected along the Marsden Valley Road boundary of any site and within the setback area (defined in d) shall be of the post and wire type "farm fencing" design.
- h) The stands of trees shown as A and B on Figure 1 shall be protected by way of covenant at the time that the land on which the trees are located, is subdivided.

I.3 Permitted activities

All activities provided for in the Residential Rule table (with the exception of REr.22 (Comprehensive Housing Developments), which shall not apply) are permitted activities in the schedule area, and the rules of the Residential Zone shall apply subject to the variations set out in the General Rules (I.2 above) and in the following:

Variations to the Existing Rules for Permitted Activities

Minimum Site Area (REr.23)	1500m ²
Maximum Coverage (REr.24)	30%
Earthworks (REr.61)	The provisions of REr.61.1(a) apply (with the exception of (ii)). All other earthworks are Restricted Discretionary Activities.

I.4 Controlled Activities

Any activity that is a controlled activity under the Residential Rule Table, except where it relates to Rule REr.61 (Earthworks) where the provisions set out in I.3 and I.5 apply.^{PC13}

I.4.1 Subdivision

The General Rules set out at I.2 shall apply to subdivision proposals. The provisions of the Residential Rule Table shall also apply with the following exceptions to REr.107:

I.4.1.1 Minimum Net Area (to apply in place of REr.107.2 f)	1500m²
I.4.1.2 Roads	As in Table 14.1, Appendix 14, except that the following are required: a) One 1.1m wide footpath; and b) roadside swales or ditches, or an alternative method of stormwater disposal which shall be designed to Nelson City Council Engineering Standards, c) A 7m wide carriageway. (A proposal to vary the above requirements for roads is a Restricted Discretionary Activity).

I.5 Restricted Discretionary activities

- ~~a) Any activity that is a restricted discretionary activity under the Residential Rule Table, (except where it relates to Rule REr.61 (Earthworks) where b) and c) below shall apply), or~~
- ~~b) Earthworks (other than as set out in REr.61.1(a)i, iii), and iv)), where discretion shall be restricted to those matters listed in Rule REr.61 (Earthworks), or~~
- ~~c) Variations to the design of roads (see I.4.1.2 above)~~

~~Discretion restricted to:
Design and appearance, and
Ability to dispose of stormwater, and
Safety, and
Location~~

I.6 Discretionary Activities

~~Any activity that is a discretionary activity under the Residential Rule Table (except where specified in I.7 below).~~

I.7 Non Complying Activities

- ~~a) Any activity that is a Non Complying Activity under the Residential Rule Table, or~~
- ~~b) Any activity that contravenes General Rules I.2.d, I.2.e, I.2.f, I.2.g or I.2.h of this Schedule, or~~
- ~~c) Any activity that contravenes the Minimum Site Area Rule (I.3) for this schedule.~~

I.8 Assessment Criteria

~~The extent to which the proposal complies with the concept in Figure 1 and promotes the special landscape qualities and rural character identified within Marsden Valley (refer The Marsden Valley Landscape Study, NCC, February 2000).~~

~~Whether screening of the buildings could be used to successfully avoid, remedy or mitigate any adverse effects of built development within the area described in I.2.f, while remaining consistent with the landscape qualities and character identified in (i) above.~~^{PC13}

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- i) The actual or potential effects of activities on the Valley environment, in particular the landscape values afforded by existing vegetation and natural landforms.
- ii) The compatibility of adjoining activities and the potential to mitigate any cross-boundary effects through control over such matters as building location, landscaping and subdivision design.
- iii) The proposed protection of significant vegetation and visual corridors, and any additional landscaping proposed, in order to maintain and enhance the special landscape amenity of the Valley.
- iv) The extent to which the site is subject to natural hazards.
- v) The matters in Appendix 13 (Engineering Performance Standards) except where specific alternatives are recommended in the Landscape Study.
- vi) The extent of compliance with Appendices 10 to 12, and 14, except where specific alternatives are recommended in the Landscape Study.
- vii) Effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services.
- viii) The values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act, eg the comments made in The Landscape Study.
- ix) Financial contributions
- x) Any assessment criteria for other relevant rules referred to in this schedule under cross-reference to the Zone rule tables.

I.9 Explanation

The Marsden Valley Landscape Study (NCC, February 2000) identified that Marsden Valley has a distinctive character that stems both from its location and from its unusual geomorphology. The Study reports that these elements contribute to the impression that this is a “hidden valley”. Established trees along the Marsden Valley Road frontage contribute to this special character and also to the attractive rural ambience.

These features are worthy of protection and future development of the Marsden Valley Area needs to take them into consideration. Creative and sympathetic residential subdivision and building design can ensure that Marsden Valley’s special landscape character is not lost.

Low density residential development has been provided for on Chings Flat and part of Homestead Flat, as the landscape study indicated that these parts of the valley could, with appropriate controls, accommodate more intense development without more than minor visual effect on the character of Marsden Valley.

The Study indicated that screening of the residential development from Marsden Valley Road was important. For that reason, 20m wide esplanade reserves have been provided on both banks of Poormans Valley Stream. These will allow further planting to reduce the visual impact of built development within the valley, to provide a strong and attractive landscape setting for residential development and to strengthen recreational linkages within the valley. Because the existing topography is also important for assimilating the residential development and in contributing to the landscape of the valley, land contouring or infilling requires a resource consent. The Marsden Valley Landscape Study notes, for example, the present and potential future importance of the watercourses on the western side of Chings Flat.

The study also proposed sites large enough to provide room for large trees in order to further soften the development and to enhance the existing vegetation within the valley. Some of this existing vegetation (for example, the stand of kanuka identified as a Landscape Woodland) is seen as particularly important in defining the overall landscape of Marsden Valley and for screening built development, and so have been protected.^{PC13}

~~A building setback has been identified along the northeastern frontage of Marsden Valley Road to preserve the important “viewing corridor” along this part of Marsden Valley Road. This setback varies in width to recognise the need to provide practical and attractive building sites within lots in this area.~~

~~Appropriate subdivision design including roading layout and construction, are also considered necessary to minimise impacts on the rural character of the valley. Roading standards have been set to recognise the unique character of the development envisaged for this part of the Valley.~~

~~Associated with the above controls, is a restriction on the number of accesses permitted. The intention is that properties will share accesses to reduce the degree to which the landscape has to be modified, and to maintain a predominantly rural character by having fewer signals of built development.~~

~~Proposals that are unable to comply with the key parameters set in this Schedule are to be considered as Non Complying activities. This is in recognition of the considerable investigations and negotiations that have occurred as part of resolving the zoning of this land (settled by way of a reference to the Proposed Plan).^{PC13}~~

Sch.I Marsden Valley^{PC13}

I.1 Application of the Schedule

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

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

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

I.2 General Rules

- a) Subdivision design shall generally accord with the Structure Plan contained in Schedule I Figure 1.
- b) No buildings are permitted within ‘greenspace’ areas, or biodiversity corridors (see Meanings of Words, Chapter Two) as indicatively shown on Schedule I Structure Plan Figure 1.
- c) Biodiversity Corridor locations shall generally accord with that shown on the Structure Plan contained in Schedule I Figure 1.^{PC13}

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- d) The existing groups of trees or woodlands shown on Schedule I Structure Plan Figure 1, and not included in Appendix 2 of the Plan, shall be retained and protected (at, or before, time of subdivision) by way of consent notice, QEII covenant, or other such mechanism as agreed by Council, on the title of the land on which the trees are located. A road route is shown through Tree group 4, it is intended that allowance is made for the road formation to pass through this group provided vegetation removal is kept to a minimum.
Note: Tree group 1 area also contains individual trees separately protected through other provisions of the Plan, the Tree grouping identifier protects other vegetation within this defined area. The location of tree groupings are exact, i.e. not indicative.
- e) Where practicable, and inclusive of the critical linkages shown on the Structure Plan, subdivision design shall incorporate a network of walking and cycle links between roads, and from roads to open spaces (reserves, 'greenspace' or biodiversity corridors).
- f) No buildings are permitted within 5m of the Marsden Valley Road Reserve legal boundary (north east side) for the frontage length as shown in Schedule I Structure Plan, Figure 1. Vehicle crossings in this setback area are to have a minimum separation distance of 40m.
- g) For the Marsden Valley Suburban Commercial Zone SCr.39.1 b) shall be replaced by 'Any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises may be open for the sale of liquor only during the following hours: daily 7am to 1am the following day, Monday to Saturday, and 7am to 11pm on Sundays.'
- h) The following activities are not permitted activities in the Marsden Valley Suburban Commercial Zone: motor vehicle sales, service and storage; industrial activities; warehouses; and building and landscape supply activities (including outdoor storage).
- i) Buildings and structures located in the Marsden Valley Suburban Commercial Zone which exceed 8m in height but are less than 12m in height are a restricted discretionary activity. Any building over 12m in height is a discretionary activity.

Discretion restricted to:

- i) design, scale and appearance in relation to building height and external walls.
- ii) proximity to, and effect on, adjacent zones
- iii) effect on public open space within, or adjacent to the suburban commercial zone
- iv) contribution to achieving the overall design principles of the Marsden Valley Suburban Commercial area (see I.5)

Resource consent applications for restricted discretionary activities under Sch.I.2 i) will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act.

I.3 Activity Status

Any activity which does not meet one or more of the performance standards in Schedule I.2 a-h) 'General Rules' is a Discretionary activity. Any activity in the scheduled area not triggering Schedule I.2 'General Rules' will be assessed under the relevant rules (and consent status) as they apply to the zone and overlays in which the activity is located.^{PC13}

I.3.1 Subdivision

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

I.4 Assessment Criteria

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

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

I.5 Marsden Valley Suburban Commercial Zone Overall Design Principles

The key design principles sought for the Marsden Valley Suburban Commercial Zone to create an urban village environment which supports the surrounding community and provides opportunities for meeting commercial and social needs are:

- i) Proximity of different activities which enables a degree of walkability.
- ii) Quality public spaces that are active and provide for a variety of users, and are pedestrian friendly in scale and amenity, and easy to get around and through.
- iii) High quality of design and finish of buildings and structures with a sense of distinctiveness through the use of colour, height, roof forms, materials, layout and circulation.
- iv) Active frontages and avoidance of visible blank walls.
- v) Safe and comfortable outdoor environments through people presence and "eyes on the street".^{PC13}

- vi) Adaptable buildings able to be used and reused for a variety of different activities.
- vii) Well designed and efficient living environments which have good access to sun, pleasant outlooks, and are appropriate to the location.
- viii) Good quality working environments that are efficient and which have easily accessed recreational facilities.
- ix) Activities which promote a quality urban environment with a focus on meeting basic commercial and social needs of the nearby residents but also allowing for some appropriate commercial and employment uses serving people from a wider catchment.
- x) Building and open space design, layout and orientation which responds well to, and integrates with, adjacent zones and uses.
- xi) Building and open space design, layout and orientation which builds on the site's relationship with Poorman Valley Stream and the protected woodland to the north.
- xii) The compatibility of different activities within the zone to each other and to adjoining zones.

I.6 Explanation

The Nelson Urban Growth Study 2006 (NUGS) identified the Stoke Foothills, including Marsden Valley, as suitable for accommodating some of the future residential growth of Nelson. This Schedule and Structure Plan are to ensure residential development can be achieved to give effect to the direction provided by NUGS, while respecting the landscape features of the valley. It will allow for an integrated and planned system of walkways, roading and servicing across multiple properties. Marsden Valley has been identified as having important landscape features which require consideration and protection when planning development in the area. Of importance from a landscape perspective are the prominent slope at the head of Marsden Valley and along the slopes of Jenkins Hill, and the upper ridgeline and shoulder slopes separating Marsden and Enner Glynn Valley's.

Established trees along the Marsden Valley Road frontage contribute to the Valley's character and also to the attractive amenity, a 5m wide landscape strip is required along the north-east frontage with Marsden Valley Road to retain some of this character. Some of the existing vegetation (for example, the stand of kanuka identified as a Landscape Woodland) is seen as important in helping define the overall landscape of Marsden Valley and for softening built development, and have been protected. Esplanade reserves, biodiversity corridors, parks and 'greenspace' areas all provide opportunity to retain and enhance vegetation in the Schedule I area. Biodiversity corridors and 'greenspace' are shown in indicative locations on the structure plan. These serve to provide corridors for biodiversity to occupy and travel through, ultimately creating a network which allows passage from one area of habitat to another. The 'greenspace' areas are often located in conjunction with the biodiversity corridors and can achieve the same end result but their primary purpose is to offset the Residential Zoning and ensure an open space, or vegetated network is created which is integral to the community in this area.

The Marsden Valley community will be strengthened by an area of Suburban Commercial zoning. This is intended to provide the commercial and social hub for residents in the valley and surrounding area. Higher Density Residential Zoning is provided in support of the commercial zoning. This provides a housing choice within the valley (and the wider Nelson area) allowing for increased flexibility in living styles and the opportunity to live and work in the same area.

In order to avoid activities which are incompatible with the Marsden Valley Suburban Commercial Zone, certain inappropriate activities are not permitted, along with earlier closing times for activities selling liquor for on-site consumption. These controls will ensure the activities within the zone are compatible with the vision for an urban village.^{PC13}

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

An indicative school site (primary or secondary) is shown on the Structure Plan to signal that a school is considered to be an activity which could help to create a viable community in Marsden Valley. This would allow the option for children to be educated within walking distance of their homes and in the community in which they live. The facilities of any school could potentially be a shared resource for use by the community. Any application for the establishment of a school will be assessed through the standard rules and provisions for the Zone in which it is located. This indicative school site notation, and associated plan text, shall expire 5 years after the date Plan Change 13 becomes operative.

The Higher Density Rural Small Holdings Zone included in the Schedule I area, covers two areas of land of low productive value, but which retain landscape, open space and amenity characteristics. A higher density of development than the standard Rural Zone is provided for in recognition of the limits on productive use and to provide consistency with zoning on the foothills of the Barnicoat Range.^{PC13}

^{PC13} Plan Change 13 (Marsden Valley)

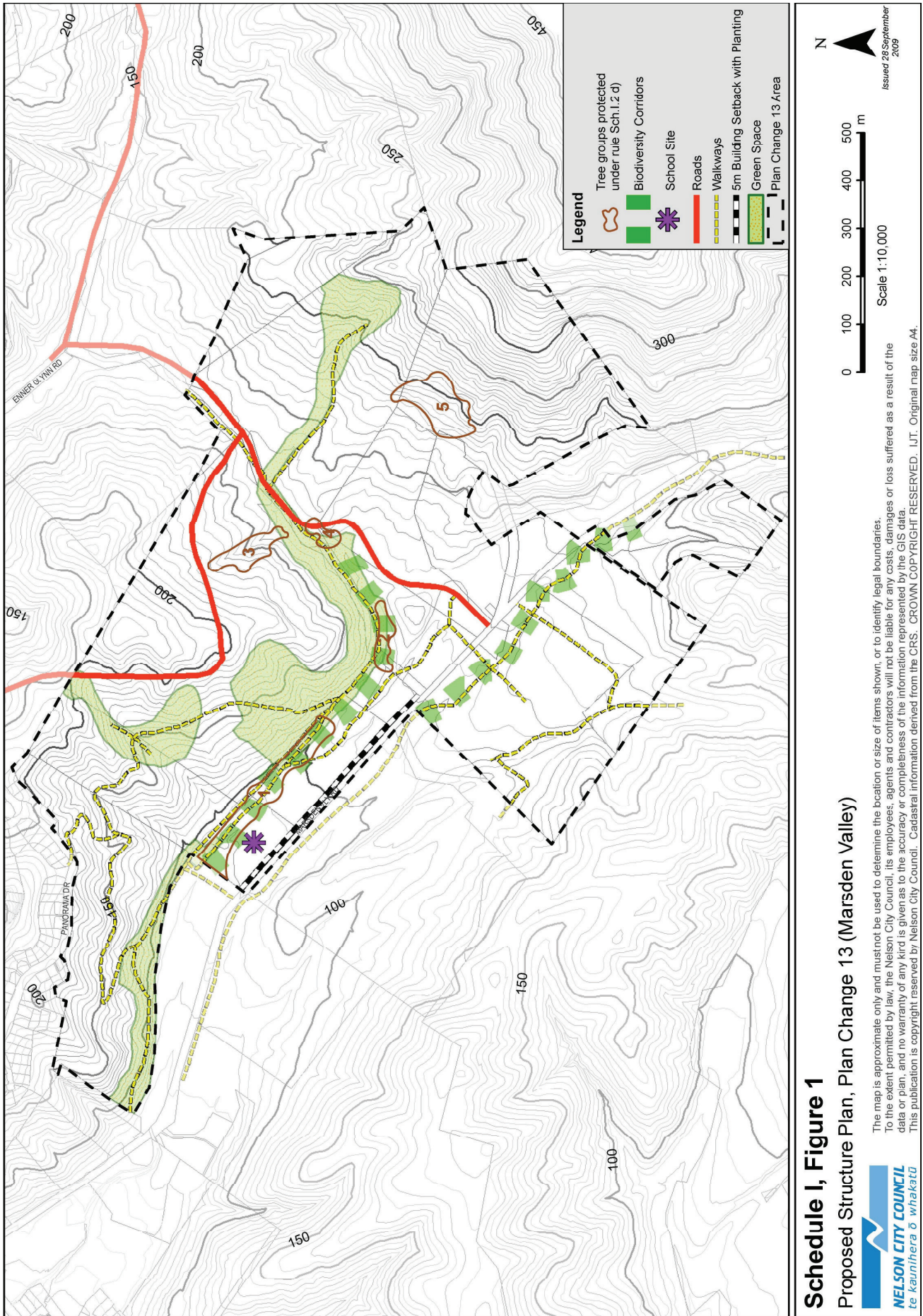


Figure 1
-of-
Schedule 1

PC13

Map Showing
features of Figure 1, Schedule 1
(Marsden Valley Residential Area)

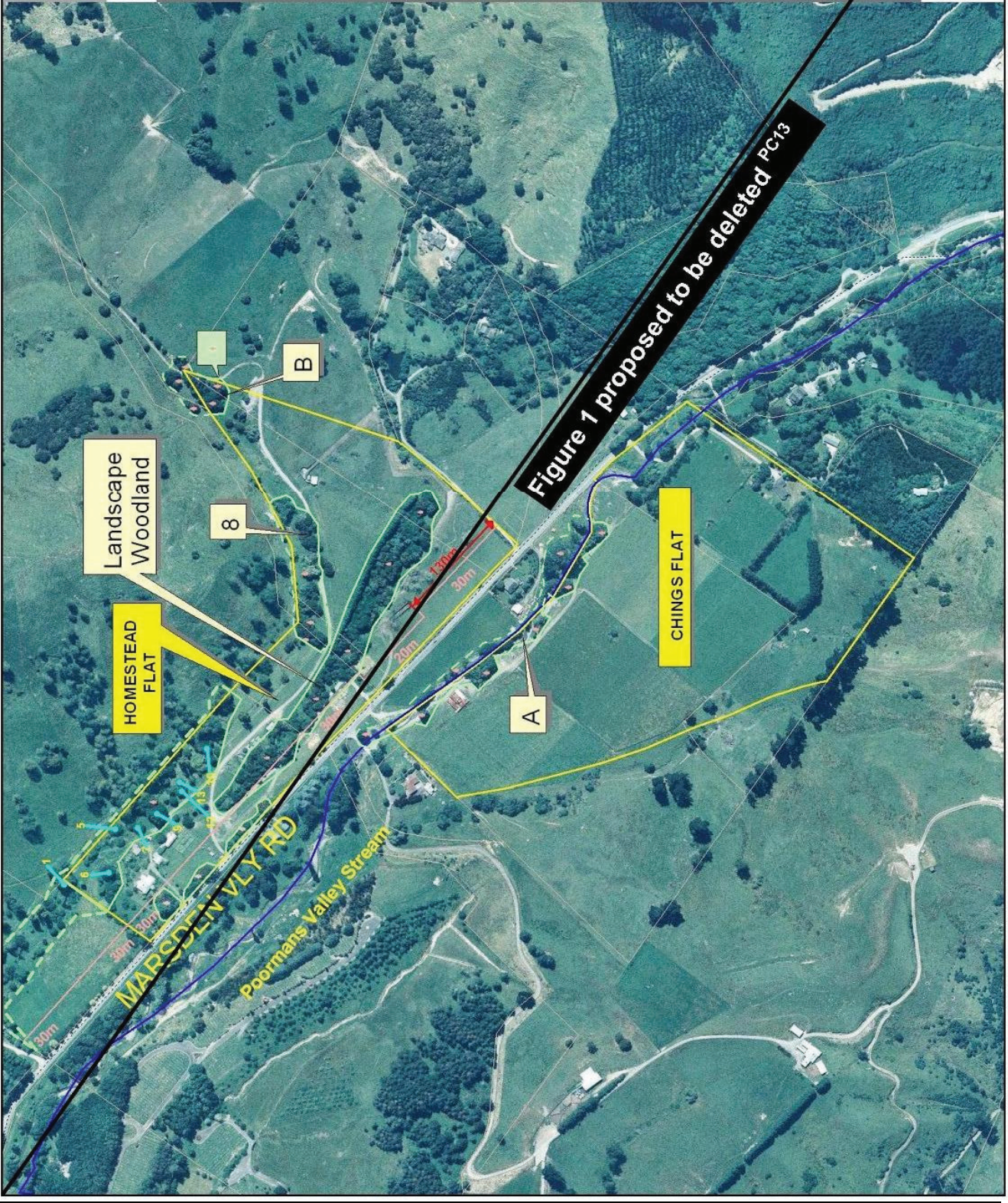
KEY

- Residential Zone with Overlays: Marsden Valley
- Cadastral Boundaries
- Stands of Vegetation or Trees Groups within Schedule 1
- Stands of Vegetation or Trees Groups outside Schedule 1 (see Schedule 1 Rural-Lower Density Small Holdings Area)
- Heritage and Landscape Trees (see Appendix 2)
- Individually Listed Landscape Trees (see Appendix 2)
- Individually Identified Stands of Vegetation or Trees
- Building Set Back & Depth from Road Boundary in Metres
- Width of Building Set Back in metres
- Location of Key Waterways

Note:
1. Heritage and Landscape Trees is the wording used on the Planning Map Legend. On left hand side maps the symbol denotes that there is a single or group of heritage trees. On right hand side maps the symbol denotes that there is a stand of trees. However, more than one symbol may appear in a zone boundary crosses an alignment or to help clarify positions for a road or body shaped alignment.

Scale:
1:6150

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PC13 Plan Change 13 (Marsden Valley)

Sch.U Marsden Plateau Landscape Area

U.1 Application of the schedule

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

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

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

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

Contents of inner city zone rule tables

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ICr.20	Location of buildings - Road frontage
ICr.21	Buildings over road reserve
ICr.22	Continuity
ICr.23	Minimum facade height
ICr.24	Maximum building height
ICr.25	Daylight admission - Trafalgar, Hardy or Bridge Streets (within the ring road)
ICr.26	Daylight admission - Parking squares
ICr.27	Buildings in Montgomery, Buxton and Wakatu Squares
ICr.28	External design and appearance - Trafalgar, Hardy and Bridge Streets
ICr.29	Display windows
ICr.30	Security doors and screens
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ICr.32	Access
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Rule table - city centre and city fringe areas

ICr.34	Building setback - Corner sites
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ICr.43	Noise – at residential boundary
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ICr.46	Closing times - services to the public
ICr.47	Hazardous substances - use and storage
ICr.48	Radioactive material
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Rules relating to Overlays on Planning Maps

ICr.56	View Shaft Overlay
ICr.57	Riparian Overlay - Activities on land identified with riparian values
ICr.58	Flood Path Overlays
ICr.59	Inundation Overlays - Low lying ground susceptible to localised stormwater ponding or tidal inundation
ICr.60	Heritage Buildings, Places and Objects - Alterations to Group A and B Items
ICr.61	Heritage Buildings, Places and Objects - New buildings on the site of a Heritage Item
ICr.62	Heritage Buildings, Places and Objects - Demolition or removal of Group A or B Items
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ICr.64	Heritage Precincts - Group A or B Heritage Buildings, Places and Objects
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ICr.68	Heritage and Landscape Trees – Activities within the dripline of a Heritage or Landscape Tree identified in Appendix 2

Contents of inner city zone rule table cont'd

ICr.69	Heritage and Landscape Trees - Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
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ICr.71	Archaeological Sites
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ICr.72	Maximum building height – Intense Development Area
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ICr.75	Setback - From Residential Zone boundary
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ICr.82	Heritage Precincts
ICr.83	Heritage Overlays (excluding Heritage Precincts)
Freshwater Rules	
FWr.1	Disturbance of river and lake beds, and wetlands
FWr.2	Vehicles in the beds of rivers and lakes, and wetlands
FWr.3	Planting in riverbeds and margins, and in wetlands
FWr.4	Maintenance, replacement, upgrade and removal of structures in the beds of rivers and lakes and their margins (excluding dams)
FWr.5	Bridges, culverts and fords
FWr.6	Instream dams
FWr.7	Removal of obsolete structures in the beds of rivers and lakes
FWr.8	Aggregate extraction in the beds of rivers and lakes
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FWr.11	Activities on the surface of water bodies
FWr.12	Take, use, and diversion of surface water
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FWr.15	Take, use, or abstraction of water from ponds, reservoirs or dams
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FWr.18	Investigative drill holes
FWr.19	Abandonment or decommissioning of a bore or well
FWr.20	Point source discharges to freshwater bodies (other than stormwater)
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FWr.23	Discharge of agrichemicals in and near waterbodies
FWr.24	Fertiliser discharges to land where it may enter water
FWr.25	General discharges to land where it may enter water

city centre area only

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

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

Assessment Criteria	Explanation
<p>ICr.52.4</p> <ul style="list-style-type: none"> a) the size and scale of the structures. b) any visual impacts, taking account of the character of the area. c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road. 	<p>ICr.52.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators in order to regulate bus shelters, street vendors, and the use of the road reserve for pavement cafes.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under those Acts, by the matters contemplated in these rules.</p>
<p>ICr.53.4</p> <ul style="list-style-type: none"> a) the Engineering Performance Standards in Appendix 13. b) the noise and air emissions from the road, taking account of the nature of nearby activities. c) any implications for traffic and pedestrian safety, both positive and adverse. d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e) any impacts on communities eg. whether the road would divide a neighbourhood. f) any opportunities to provide views and vistas from the road. 	<p>ICr.53.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>
<p>ICr.54.4</p> <ul style="list-style-type: none"> a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) the Engineering Performance Standards in Appendix 13. 	<p>ICr.54.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule ICr.55 (earthworks) where a site is to be filled.</p> <p>Note: This low lying site rule does not apply within the Inundation Overlay - see ICr.59 (inundation overlays)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>ICr.55 Earthworks</p> <p>[note – this rule is a regional and a district rule]</p>	<p>ICr.55.1</p> <p>Earthworks are a permitted activity if:</p> <p>a) the maximum height or depth of excavation or filling does not exceed 1.2m; or</p> <p>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, or</p> <p>c) the excavation or fill:</p> <p>i) is retained immediately by a structure authorised by a building consent, and</p> <p>ii) the maximum height or depth of the fill or excavation does not exceed 3m, and</p> <p>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane, and</p> <p>d) the earthworks do not take place within 10m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for the purpose of:</p> <p>i) maintaining a State Highway and other roads, or</p> <p>ii) forming or constructing a fire break, fence line, survey line, or</p> <p>iii) installing a utility service line across a river, or</p> <p>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, and</p> <p>e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>f) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of disturbance, and</p> <p>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>j) material used for fill is cleanfill material, and</p> <p>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>ICr.55.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <p>a) the maximum height or depth of filling or excavation does not exceed 4m, and</p> <p>b) the site is not in the Land Management Overlay, and</p> <p>c) earthworks do not take place within 10m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, and</p> <p>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>e) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the earthworks, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) material used for fill is cleanfill material.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation, and</p> <p>xiii) the depth, height and volume of cut and fill and the finished ground level, and</p> <p>xiv) the quality of fill material and compaction methods, and</p> <p>xv) visual effects, and</p> <p>xvi) control of noise, and</p> <p>xvii) control of dust, and</p> <p>xviii) traffic and access issues.</p>	<p>ICr.55.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) visual effects, and</p> <p>xvii) the impact on privacy and on the admission of daylight and sunlight to neighbouring sites, and</p> <p>xviii) the values set out in Appendix 6 Table 6.1 for any river, and</p> <p>xix) the matters in Appendix 9 (landscape components and views), and</p> <p>xxi) control of noise, and</p> <p>xxii) control of dust, and</p> <p>xxiii) traffic and access issues.</p>

Assessment Criteria	Explanation
<p>ICr.71.4</p> <ul style="list-style-type: none"> a) the nature, form and extent of the proposed activity and its effects on the site. b) the impacts on the integrity or heritage value of the site. c) the findings of an archaeological survey of the area surrounding the site commissioned by the applicant, and carried out by a person suitably competent in archaeological survey. d) where the application relates to a Maori archaeological site, the response of the tangata whenua. e) if the site is to be modified, whether there is sufficient time and expertise to record the site. f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site. 	<p>ICr.71.5</p> <p>Archaeological sites are sites of human activity before 1900. In this Plan the majority are Maori sites, with most non-Maori sites being on the Heritage Buildings, Places and Objects list (Appendix 1).</p> <p>The archaeological sites identified on the Planning Maps are from the registers of the Historic Places Trust and the NZ Archaeological Association. A resource consent is required where written advice is not available that the site will be unaffected. This allows examination of the extent of the site, and how the proposed activity could affect the values associated with the site.</p> <p>Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified. This applies to archaeological sites uncovered accidentally. Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority. In the case of accidental discovery, the relevant iwi should be contacted immediately so that they can decide what action should be taken. In addition, the Historic Places Trust should be notified.</p>

rule table

Item	Permitted	Controlled	Discretionary/Non-complying
ICr.72 Maximum building height -Intense Development Area	ICr.72.1 a) 20m - Intense Development Area (as shown on Planning Maps) , or b) 12m - rest of City Fringe. (see Chapter 2 Meanings of Words for definitions of 'Height' [including chimneys] and 'Height measurement').	ICr.72.2 not applicable	ICr.72.3 Activities that contravene a permitted condition are discretionary.
ICr.73 External appearance Large buildings	ICr.73.1 The erection or substantial alteration of a building is a permitted activity if: a) the gross ground floor area of the building does not exceed 2500m ² .	ICr.73.2 The erection or substantial alteration of a building where the proposed gross floor area of the building is in excess of 2500m ² , is controlled. Control reserved over: i) the visual appearance of the site and buildings (including advertising and landscaping), and ii) the layout of the site. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.	ICr.73.3 not applicable
ICr.74 Landscaping	ICr.74.1 Except where the building is built to the road boundary, a minimum of 5% of any site must be set aside as a landscaped area or areas, and a) The landscaped area must be located along the road frontage (except for any rear site), and b) The landscaped area must be maintained in good condition.	ICr.74.2 not applicable	ICr.74.3 Activities that contravene a permitted condition (excluding condition b) are discretionary.

9

suburban commercial

SCd	Description
SCd.1	This Zone includes the suburban commercial areas at Stoke, <u>Marsden Valley</u> , ^{PC13} Ngawhātu, Victory Square, Tahunanui, Annesbrook, Nayland Road, The Wood (Milton/Grove corner), Washington Road, Robinsons, Atawhai, Bishopdale and on Waimea Road (including the area dominated by tourist accommodation and professional rooms along the western side of the road). It also includes a strip along Haven Road and Wakefield Quay, from the edge of the Port area, to just beyond the yacht club.
SCd.2	Existing isolated commercial premises are generally not included in the zone. These must rely on existing use rights in the broader zones in which they are located. Some of these activities, such as the service station on Annesbrook Drive, are dealt with as scheduled sites within the Residential Zone.
SCd.3	The zone around the Stoke Centre includes land behind the Fire Station, bounded by Poorman Valley Stream. This provides a natural boundary to the zone and allows potential for some limited expansion of the shopping area. Other than that, this area has major constraints on expansion. It is bounded on the other sides by Main Road Stoke, residential and recreational areas.
SCd.4	As well as the existing shopping area at the corner of Rocks Road and Tahunanui Drive (including the Nightingale Library site), a block of land along the western side of Tahunanui Drive, from near Tahunanui School to almost Parkers Road, is included. This land was previously zoned for light industrial use, but has developed more of a commercial focus, probably as a result of its high exposure to passing traffic. In addition, the commercial area between Beach Road and Tahunanui Drive extends to Waikare Street, and almost to Rui Street.
SCd.5	The Stoke, Tahunanui corner, and Victory Square centres all have neighbouring recreational facilities including stadiums, sports grounds and/or clubrooms.
SCd.6	A Leisure Area is included, incorporating land on both sides of Wakefield Quay, in the vicinity of the Marine Rescue Centre. The Council's intention is to see this area enhanced and developed as a tourist and recreational facility.
<u>SCd.7</u>	<u>The Marsden Valley Suburban Commercial Zone services the residents and visitors within Marsden Valley and surrounding area. Schedule I (see Chapter 7, Residential Zone) provides for an increased height limit (through resource consent) for this particular area to allow for varied building heights and roof forms to create an urban village environment which supports the surrounding community and provides opportunities for meeting commercial and social needs. Additional restrictions control various activity types, liquor sale hours and active frontages to help to create the urban environment desired.</u> ^{PC13}
SCd.78	See the objective and policies relating to zones in Chapter 5.

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objective

SC1 consolidation

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

Reasons

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

policy

SC1.1 concentration of activities

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

Explanation and Reasons

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

Methods

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

policy

SC1.2 association with recreational and other facilities

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

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

policy

SC2.6 Wakefield Quay - leisure area

The form, style, and height of buildings and structures in the Leisure Area of Wakefield Quay (as shown on the Planning Maps) should have regard to natural landforms, the coastal setting, and any neighbouring development, including the maintenance of the views from residential areas on the hill above, and from Wakefield Quay towards the Haven.

Explanation and Reasons

SC2.6.i Much of the waterfront area has a utilitarian appearance which reflects its origins as a working port. With the reorganisation of the Port Industrial Nelson Operational Area^{07/01}, and the movement of a number of activities from Wakefield Quay to the reclamation and other sites, the Council is taking the opportunity to upgrade this area. The amenity of the seaward side of Wakefield Quay is being enhanced, which makes the landward side more attractive for commercial developments or other activities that might capitalise on a seaside location. Because of the importance of the coastal environment, and the visibility and high use of the area by both local residents and the wider public, any development within the precinct needs to be sympathetic to the setting and the uses located behind it. Any development in this area should also be aware, however, of the close proximity of the Port Operational Area, and the industrial nature of its present and likely future operations. Port activities can be expected to occur within the Port Industrial Area, and in particular the^{07/01} area defined by Port Nelson Limited's coastal permit (shown by the dotted line on the Planning Maps, and may include ship manoeuvring or potentially (subject to resource consent) extension of existing facilities.

Methods

- SC2.6.ii Rules making construction or alteration of buildings on the seaward side of Wakefield Quay in the Leisure Area a discretionary activity, in order to retain control over the views from the road to the sea, and over the design and appearance of such buildings.
- SC2.6.iii Rules limiting the height of buildings on the landward side of Wakefield Quay in the Leisure Area in order to provide reasonable protection of views from the residential area above.
- SC2.6.iv Rules making construction or alteration of buildings on the landward side of Wakefield Quay in the Leisure Area a controlled activity with respect to design and appearance.
- SC2.6.v Council works in terms of paving, planting and related developments.
- SC2.6.vi Conditions on land sold or leased by the Council, as property owner, to protect or enhance the amenity of the area.
- SC2.6.vii Rules requiring acoustic insulation for residential units, or any building used for sleeping accommodation.^{07/01}

SC3 Marsden Valley Suburban Commercial Zone ^{PC13}

To recognise and provide for a vibrant Marsden Valley Suburban Commercial centre, which through its central location, mix of suitable activities, and high quality building design, allows for the creation of a quality urban environment serving residents and visitors.

Reasons:

SC3.i The Marsden Valley Suburban Commercial Zone will form the centre of a new residential community in the valley. It will support the surrounding community and provide opportunities for meeting commercial and social needs. This area is different^{PC13}

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needs. This area is different to many existing suburban commercial zones in that it is central to the creation of a new community and as such can be designed in an integrated manner with this community to achieve the best result from an urban design perspective.

policy

SC3.1 building and outdoor space design

Promotion of variety, modulation, active frontages, and creativity in building and outdoor space design which is at a human scale.

Explanations and Reasons:

SC3.1.i Buildings of a uniform design, with blank walls, a lack of interaction with the street or public places, or of a dominating scale can detrimentally affect the spaces and areas to be used by people. To ensure a successful urban village is developed it is essential that the buildings and outdoor spaces are designed in such a way as to support this.

Methods

SC3.1.ii Rules to control buildings over a certain height

SC3.1.iii Assessment criteria to ensure buildings which trigger a resource consent are assessed against their compliance with the general design principles for the Marsden Valley Suburban Commercial Zone.

Policy

SC3.2 mixed use

To enable a mix of activities (primarily commercial (retail and office) and residential) within the zone which supports the creation of a successful urban village area, adds vibrancy, and provides a wide choice of places to live, work and play.

Explanations and Reasons:

SC3.2.i Suburban commercial zones provide an opportunity for mixed use activities, for example retail on the ground floor and residential or offices above. This mix of uses has a number of benefits including: increased vibrancy of these centres; wider range of living options; reduced travel dependence; increased surveillance of public spaces and a larger customer base for retailers.

Methods

SC3.2.ii Rules which permit mixed uses (retail, office and residential)

SC3.2.iii Rules which limit the establishment of activities which may be detrimental to creation of a successful urban village.^{PC13}

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SCe environmental results anticipated and performance indicators

SCe.i The following results are expected to be achieved by the above objectives, policies and methods. This means monitoring whether the Plan achieves the outcomes intended:

Anticipated Environmental Result	Indicators	Data Source
SCe.1 Control of adverse effects to acceptable levels of environmental quality	SCe.1.1 a) Complaints about adverse effects b) Changes in ambient noise levels and other environmental effects	Council's complaints register Data collected at certain sites
SCe.2 Consolidation of commercial activity within the zoned land	SCe2.1 a) Number of applications for commercial activities to establish outside the zone (eg. in the Residential Zone) b) Number of plan changes to extend zoning	Resource consent data Council records

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rule table

Item	Permitted	Controlled	Discretionary/Non-complying
<p>SCr.20 Restricted activities</p>	<p>SCr.20.1 The following are not permitted activities:</p> <ul style="list-style-type: none"> a) boarding of dogs, cats or other animals, or b) storage or sorting of any bottles, scrap or other waste materials, or c) drying or rendering of fish, meat or animal product or by-product, including the manufacture of fish or animal meal, or d) panel beating, vehicle wrecking, sheet metal work, heavy engineering such as engine reborring and crankshaft grinding, spray painting, or boat, caravan or motor vehicle building. 	<p>SCr.20.2 not applicable</p>	<p>SCr.20.3 Activities that contravene a permitted condition are discretionary.</p>
<p>SCr.21 Floor Space Maximum and External Appearance - Large Buildings</p>	<p>SCr.21.1 No building on any site may exceed a gross floor area of 800m², except for the Stoke Centre, west of Main Road Stoke, where a gross floor area of 1600m² is permitted.</p>	<p>SCr.21.2 The erection or substantial alteration of a building in the Stoke Centre, west of Main Rd Stoke, where the gross floor area of the building is in excess of 1600m², is controlled: Control reserved over:</p> <ul style="list-style-type: none"> i) the visual appearance of the site and buildings (including advertising and landscaping), and ii) the layout of, and access to, the site. 	<p>SCr.21.3 Activities that contravene a permitted condition and are not a controlled activity are discretionary.</p>
<p>SCr.22 Maximum building height</p>	<p>SCr.22.1 Buildings and structures are permitted if maximum height is:</p> <ul style="list-style-type: none"> a) 8m, or b) 10m in the Stoke Centre, and Tahunanui (west of Tahunanui Drive and north of Parkers Road), or c) 21m (leisure area, landward side of Wakefield Quay). <p>(see Chapter 2 Meanings of Words for definitions of 'Height' [including chimneys] and 'Height measurement').</p>	<p>SCr.22.2 not applicable</p>	<p>SCr.22.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>SCr.26.4</p> <ul style="list-style-type: none"> a) the effects on the amenity of neighbouring properties. b) any provision for compensating landscaping or screening. c) the scale and height of the buildings within the reduced setback. d) the ability to better use the site and provide better environmental quality elsewhere on the site. e) any aspects of the proposal which may compensate for reduced landscaping or screening, such as the nature of planting or materials used, the location of parking, manoeuvring or storage areas, and offices. 	<p>SCr.26.5</p> <p>This provision ensures a degree of outlook is maintained from residential properties, and provides opportunity to soften that outlook by planting or other site treatments.</p> <p>Landscaping along the zone boundary can be to an average depth, to provide for variability in depth, thus increasing visual interest.</p> <p>Buildings that form part of a telecommunications service (as defined by the Telecommunications Act 2001 or relevant amendments) are permitted to be located within these setbacks because they are considered to have no more than minor visual effects in this semi-commercial environment, especially as compared to other residential buildings which are permitted as of right to be located closer to a boundary. An important difference between the telecommunications network and some other network utilities is that telecommunications networks do not include such facilities as substations, which for other reasons may be considered to be unacceptable in the residential environment.</p> <p>Note that all structures and buildings must still comply with rule SCr27 "Daylight Admission" which protects neighbouring properties from the shading effects of buildings located very close to their boundaries.</p>
<p>SCr.27.4</p> <ul style="list-style-type: none"> a) the effects of any shading on the public enjoyment and amenity of residential areas. b) the extent of any additional shading, having regard to the size of the shadow cast and the period of time any area is affected by it (eg. tall thin shadow compared to shorter, bulky shadow taking longer to pass). c) the nature of the activities undertaken in any area affected. 	<p>SCr.27.5</p> <p>The sunlight and daylight controls are set so that a residentially zoned property is not penalised having a commercial rather than a residential neighbour.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>SCr.28 Building over or alongside drains and water mains</p>	<p>SCr.28.1</p> <p>a) Structures</p> <ul style="list-style-type: none"> i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the pipe is less than or equal to 300mm in diameter, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the pipe is greater than 300mm in diameter, and iii) which are balconies, may overhang the line of the pipe or drain, provided the balcony is cantilevered and its height above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (see figure). <p>b) As an alternative to (a), structures may be located over common private or public sewer or stormwater drains, if they comply with Appendix 14, Table 14.5.2 (acceptable techniques for building over sewers or drains).</p>	<p>SCr.28.2</p> <p>not applicable</p>	<p>SCr.28.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) the design and location of the structure, and ii) access to pipework for maintenance, and iii) the nature and location of the pipework <p>Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act.</p>

Assessment Criteria	Explanation
<p>SCr.31.4</p> <ul style="list-style-type: none"> a) refer to Appendix 10. b) the effects of parking or loading areas in pedestrian safety, having regard to the level of foot traffic in the area. c) the extent to which alternative methods of access for goods may be available, such as providing a goods loading zone adjacent to the site and/or restricting the times of delivery or dispatch of goods. 	<p>SCr.31.5</p> <p>Refer to Appendix 10.</p> <p>Parking is provided collectively in the Stoke Centre, therefore provision of parking by individual sites is not mandatory. However, if parking is provided it must meet the normal standards for layout and design.</p> <p>Note that vehicle crossings are restricted across the inside of Strawbridge Square - Rule SCr.32 (access).</p> <p>The Stoke Centre is defined in Chapter 2 Meaning of Words.</p>
<p>SCr.32.4</p> <ul style="list-style-type: none"> a) refer to Appendix 11. b) the extent to which alternative methods of access for goods may be available, such a providing a goods loading zone adjacent to the site or restricting the times of delivery or dispatch of goods. c) the effects on traffic and pedestrian movement and safety. 	<p>SCr.32.5</p> <p>Refer to Appendix 11.</p> <p>Vehicle crossings are not provided as of right on the inside of Strawbridge Square, in order to promote a better and safer pedestrian environment. A crossing in these situations may be granted by resource consent, having regard to the impacts on pedestrian traffic, and the needs of the activity concerned.</p> <p>Small unstaffed network utility buildings (see Chapter 2 Meaning of Words) are exempt from this requirement as access is rarely required and therefore greater formation standards are not justified.</p>
<p>SCr.33.4</p>	<p>SCr.33.5</p> <p>Pt Sec 60 Subdn Sth Dist Blk VII Waimea comprises the former "Mr Beans" fruit and vegetable stall, and the land adjoining it. The land was rezoned partly Residential and part Suburban Commercial as a result of submissions to the Proposed Plan, and which was then referred to the Environment Court. The NZ Transport Agency, the administering authority for Main Road, Stoke and the Council agreed to the rezoning if all traffic to and from the land was channelled through a single access point onto Main Road, Stoke. Because of the high traffic volumes and speeds on Main Road, Stoke, the new access road is required to be designed to appropriate engineering standards to minimise traffic conflicts on Main Road, Stoke. This is to ensure the safety of all road users including traffic entering and exiting the rezoned land.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
SCr.34 Signs	SCr.34.1 Any sign must be constructed in accordance with Appendix 20 (signs and outdoor advertising).	SCr.34.2 not applicable	SCr.34.3 See Appendix 20.
SCr.35 Light spill	SCr.35.1 Artificial lighting is permitted if: a) the spill of light onto any other site within the Zone does not exceed 30 lux (horizontal and vertical) measured at the boundary of the other site, and b) the spill of light onto any site in the Residential Zone does not exceed 3 lux (horizontal and vertical), measured at the boundary of the other site, and c) the lighting does not create any light on roads which may distract traffic or interfere with any traffic aids or signals or d) the light is a street light, navigation light or traffic signal.	SCr.35.2 not applicable	SCr.35.3 Activities that contravene a permitted condition are discretionary.
SCr.36 Noise	SCr.36.1 a) Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed: Day Time (7am to 10pm) L 10: 65 dBA Other Times L10: 45 dBA Lmax: 75 dBA b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.	SCr.36.2 not applicable	SCr.36.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>SCr.45.4</p> <ul style="list-style-type: none"> a) the size and scale of the structures. b) any visual impacts, taking account of the character of the area. c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road. 	<p>SCr.45.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p>
<p>SCr.46.4</p> <ul style="list-style-type: none"> a) the Engineering Performance Standards in Appendix 13. b) the noise and air emissions from the road, taking account of the nature of nearby activities. c) any implications for traffic and pedestrian safety, both positive and adverse. d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e) any impacts on communities eg. whether the road would divide a neighbourhood. f) any opportunities to provide views and vistas from the road. 	<p>SCr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>
<p>SCr.47.4</p> <ul style="list-style-type: none"> a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) the Engineering Performance Standards in Appendix 13. 	<p>SCr.47.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule SCr.48 (earthworks) where a site is to be filled.</p> <p>This low lying site rule does not apply within the Inundation Overlay.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>SCr.48 Earthworks</p> <p>[Note that this is a regional and a district rule]</p>	<p>SCr.48.1</p> <p>Earthworks are a permitted activity if:</p> <p>a) the maximum height or depth of excavation or filling exceeds 1.2m, or</p> <p>b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity, or</p> <p>c) the excavation or fill:</p> <p>i) is retained immediately by a structure authorised by a building consent, and</p> <p>ii) the maximum height or depth of the fill does not exceed 3m, and</p> <p>iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane, and</p> <p>d) the earthworks do not take place within 10m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for the purpose of:</p> <p>i) maintaining a state highway and other roads, or</p> <p>ii) forming or constructing a fire break, fence line, survey line, or</p> <p>iii) installing a utility service line across a river, or</p> <p>iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the earthworks are no more than required to permit the activity; and</p> <p>e) no soil is positioned where it may dam or divert any river or stream or adversely effect instream habitats, and</p> <p>f) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of disturbance, and</p> <p>g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>j) material used for fill is cleanfill material, and</p> <p>k) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>SCr.48.2</p> <p>Earthworks that contravene a permitted condition are controlled if:</p> <p>a) the maximum height or depth of filling or excavation does not exceed 4m, and</p> <p>b) the site is not in the Land Management Overlay, and</p> <p>c) earthworks do not take place within 10m of the banks of any river shown in the Riparian Overlay on the Planning Maps and contained in Appendix 6; or within 20 m of the Coastal Marine Area, and</p> <p>d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>e) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the earthworks, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) material used for fill is cleanfill material.</p> <p>Control reserved over:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers or coastal water, and</p> <p>iv) damage to instream and coastal habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank and coastal erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be disturbed at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation, and</p> <p>xiii) the depth, height and volume of cut and fill and the finished ground level, and</p> <p>xiv) the quality of fill material and compaction methods, and</p> <p>xv) visual effects, and</p> <p>xvi) control of noise, and</p> <p>xvii) control of dust, and</p> <p>xviii) traffic and access issues.</p>	<p>SCr.48.3</p> <p>Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) visual effects, and</p> <p>xvii) the impacts on privacy and on the admission of daylight and sunlight to neighbouring sites, and</p> <p>xviii) in the case of earthworks within the Landscape Overlays, compliance with the objectives and performance guidelines in Appendix 6 (Guide for Subdivision in Landscape Overlays), and</p> <p>xix) Appendix 4 and Table 5.1 in Appendix 5, and</p> <p>xx) the matters in Appendix 9 (Landscape Components and Views), and</p> <p>xxi) the effects of the earthworks in relation to primary & secondary flows (Water Plan) and</p> <p>xxii) control of noise, and</p> <p>xxiii) control of dust, and</p> <p>xxiv) traffic and access issues.</p>

Assessment Criteria	Explanation
	<p>SCr.66.5</p> <p>Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>(note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p> <hr/> <p>SCr.67.5</p> <p>Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>
<p>SCr.68.4</p> <ul style="list-style-type: none"> a) the nature, form and extent of the proposed activity and its effects on the site. b) the impacts on the integrity or heritage value of the site. c) the findings of an archaeological survey of the area surrounding the site commissioned by the applicant, and carried out by a person suitably competent in archaeological survey. d) where the application relates to a Maori archaeological site, the response of the tangata whenua. e) if the site is to be modified, whether there is sufficient time and expertise to record the site. f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site. 	<p>SCr.68.5</p> <p>Archaeological sites are sites of human activity before 1900. In this Plan the majority are Maori sites, with most non-Maori sites being on the Heritage Buildings, Places and Objects list (Appendix 1).</p> <p>The archaeological sites identified on the Planning Maps are from the registers of the Historic Places Trust and the NZ Archaeological Association. A resource consent is required where written advice is not available that the site will be unaffected. This allows examination of the extent of the site, and how the proposed activity could affect the values associated with the site.</p> <p>Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified. This applies to archaeological sites uncovered accidentally. Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority. In the case of accidental discovery, the relevant iwi should be contacted immediately so that they can decide what action should be taken. In addition, the Historic Places Trust should be notified</p>

Item	Permitted	Controlled	Discretionary/Non-complying
SCr.69 Airport Effects Control Overlay and Port Effects Control Overlay - Acoustic insulation of buildings ^{07/01}	SCr.69.1 Within the Airport Effects Control Overlay and the Port Effects Overlay , construction, or substantial alteration of a residential unit, or any building used for sleeping accommodation, is permitted if: ^{07/01} a) either, the bedrooms (and living areas in the case of a residential unit), where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 (acoustic insulation requirements), or b) the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design (with the windows and doors shut) will reduce noise levels to at least 45 dBA inside the new or altered bedrooms (and living areas in the case of a residential unit).	SCr.69.2 not applicable	SCr.69.3 Activities that contravene a permitted condition are non-complying.
SCr.69A Port Effects Control Overlay Acoustic insulation of buildings ^{07/01}	SCr.69A.1 Within the Port Effects Control Overlay, construction, or alteration of a residential unit, or any building used for sleeping accommodation, is permitted if: a) <u>the building is acoustically insulated to reduce noise levels to no greater than 45 dBA L_{dn} inside the new or altered habitable space and has minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and</u> b) <u>prior to the commencement of any construction or site works a certificate is obtained from a suitably qualified acoustic engineer to demonstrate that the building design complies with paragraph a) above, and</u> c) <u>the acoustic engineer provides an acoustic certificate that the finished construction/alteration complies with paragraph a) above.</u> ^{07/01}	SCr.69A.2 <u>not applicable</u> ^{07/01}	SCr.69A.3 <u>Activities that contravene a permitted condition are non-complying.</u> ^{07/01}
SCr.69B Marsden Valley (Schedule Site – Sch. I) ^{PC13}	SCr.69B.1 <u>Schedule Sch. I (Residential Zone) applies.</u> ^{PC13}	SCr.69B.2 <u>Schedule Sch. I (Residential Zone) applies.</u> ^{PC13}	SCr.69B.3 <u>Schedule Sch. I (Residential Zone) applies.</u> ^{PC13}
SCr.70 Nayland Road Commercial Area (Scheduled Site – Sch.L)	SCr.70.1 Activities are permitted if: a) they comply with Schedule Sch.L	SCr.70.2 Schedule Sch.L applies	SCr.70.3 Schedule Sch.L applies

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Assessment Criteria	Explanation
<p>SCr.69.4</p> <p>a) the location of the site in relation to the noise contour, and the main source of the noise.</p> <p>b) the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure.</p> <p>c) the nature of the activity, and its susceptibility to noise.</p> <p>d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.</p> <p>e) the potential cumulative effects of an increased exposure to noise.</p>	<p>SCr.69.5</p> <p>The rule is based on the predicted exposure of the site area within the overlay to noise levels from the port or the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise.</p> <p>The acoustic insulation standards in Appendix 19 provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.</p>
<p><u>SCr.69A.4</u> not applicable^{07/01}</p>	<p><u>SCr.69A.5</u></p> <p><u>The rule is based on the predicted exposure of the site area within the overlay to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise.</u></p> <p><u>In order to ensure that the standard is met, certification of a suitably qualified and experienced acoustic engineer is considered appropriate.</u>^{07/01}</p>
<p><u>SCr.69B.4</u> <u>Schedule Sch. I (Residential Zone) applies.</u>^{PC13}</p>	<p><u>SCr.69B.5</u></p> <p><u>Schedule Sch. I applies. Schedule I follows after the Residential Zone rule table (Chapter 7).</u>^{PC13}</p>
<p>SCr.70.4 See Schedule Sch.L.</p>	<p>SCr.70.5 See Schedule Sch.L which follows this rule table.</p>

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subdivision rules

Rules regarding subdivision (including within overlays)

Item	Permitted	Controlled	Discretionary/Non-complying
<p>SCr.71 Subdivision - general</p>	<p>SCr.71.1 not a permitted activity</p>	<p>SCr.71.2 Any subdivision is controlled, if:</p> <ul style="list-style-type: none"> a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14, and b) the land does not contain a Heritage Overlay shown on the Planning Maps, and c) esplanade reserves or strips as indicated in the Riparian Overlay, of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, and f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and g) any existing buildings comply with the conditions for permitted activities, or a resource consent. h) <u>In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.</u>^{PC13} <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the matters contained in Appendix 13 (engineering performance standards), and ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and iv) protection of natural features, landscapes, heritage items and trees and Maori values, and v) riparian management, and vi) public access, and vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> • appropriate vehicle access, and • the intensity of buildings to be erected on each lot and the siting of such buildings, and • provision of services, and ix) stormwater management, and x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and xi) financial contributions in accordance with Chapter 6, and xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and xiii) in the Inundation Overlay, in addition to the matters listed above, control is reserved over: <ul style="list-style-type: none"> • finished ground level, and • the nature of infill, its compaction and placement. xiv) <u>in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.</u> 	<p>SCr.71.3 Any subdivision that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <ul style="list-style-type: none"> a) it complies in all respects with all the standards relating to water, stormwater and sewerage in Appendix 14 (design standards).

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Assessment Criteria	Explanation
<p>FWr:25.4</p> <p>a) location and area of discharge.</p> <p>b) risk of contamination of surface or groundwater.</p> <p>c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering Standards. A site assessment will have to be supplied when an application is made for a discretionary activity to discharge stormwater into the Council's stormwater infrastructure.</p> <p>This assessment must include:</p> <p>i) detail of how and why the stormwater discharge contravenes the permitted conditions, and</p> <p>ii) a plan of the site layout that identifies all actual and potential sources of stormwater pollution, and</p> <p>iii) identification of best practicable options to ensure that actual and potential contamination of stormwater is minimised at source.</p>	<p>FWr:25.5</p> <p>This rule aims to minimise and, as far as possible, avoid the potential for contamination of surface water bodies and groundwater from leaching liquid contaminants. It is important to maintain existing water quality to provide for the existing and potential uses of that water.</p> <p>In other areas of New Zealand discharges to a stormwater pipe have been regarded as a discharge to land, and regulated under section 15(1)(b) of the RMA. Nelson City Council intends to primarily use bylaws under the Local Government Act to control the quality of discharges to stormwater infrastructure. However, it is necessary to include discharges to stormwater infrastructure in this rule, as a permitted activity, in order to clearly signal how the bylaw and the Nelson Resource Management Plan will work together to manage stormwater discharges and avoid duplication of process.</p> <p>The following district wide policy is relevant to this rule: DO19.1.7 (effect of land use activities on surface water bodies).</p>

Schedule Suburban Commercial Zone

Sch.I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone.^{PC13}

^{PC13} Plan Change 13 (Marsden Valley)

Schedule Suburban Commercial Zone

Sch.L Nayland Road Commercial Area

L.1 Application of the Schedule

This schedule applies to the sites shown as Sch.L on Planning Map 27, 227-231 (Pt 3 DP 2073) and 239 Nayland Road (Lot 1 DP 15105). This schedule relates to rule SCr.70.

L.2 Permitted activities

Any activity on the scheduled site is a permitted activity, if:

- a) It excludes any activity in rule SCr.20.1 (restricted activities), and
- b) It excludes:
 - i) the sale of liquor, or the sale or housing of animals, and
 - ii) the sale of coal, wood or petroleum products, except as a minor ancillary activity to another retail activity (such as a dairy), and
 - iii) any industrial activity (defined in Chapter 2 Meaning of Words) including any service station or commercial garage, but excluding the repair of domestic electrical appliances, and
- c) It complies with the following conditions:

Maximum building height	7.5m
Residential zone boundaries	<ol style="list-style-type: none">a) landscaping, a fence or wall, or a combination must be provided along the length of the boundary with the residential zone to a height of at least 1.8m, andb) where landscaping is provided, it must have an average depth of 1.5m along the boundary, andc) On No 227-231 Nayland Road, any building must be set back a minimum of 3m from the boundary with the residential zone (except this does not apply to the first 10m of the boundary with Nayland Primary School, measured from the road boundary).
Hours of operation	7am to 11pm
Other rules	The permitted conditions in the rules in the Suburban Commercial Rule Table must also be complied with, except Maximum building height; Landscaping; Setback from residential zone boundary; Parking and loading (except parking must be complied with for any residential unit, and any loading provided voluntarily must comply with the standards in Appendix 9); Access (except complying access must be provided for any residential unit); Closing times - services to public. All of the freshwater rules must also be complied with.

L.3 Controlled activities

Any activity is a controlled activity for that item or items:

- a) where any rule in the Suburban Commercial Rule Table to be complied with in L.2 states that the activity is controlled, and
- b) all other permitted conditions in L.2 are complied with.

L.4 Discretionary activities

Activities that contravene a permitted condition or a controlled standard in this schedule are discretionary activities.

L.5 Assessment criteria

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

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

L.6 Explanation

The scheduled site was zoned Commercial C.1 in the previous District Plan. That zone essentially provided for neighbourhood shops and services such as hairdressers and post offices. These are activities with relatively minor adverse effects, as is appropriate given the proximity to the school, and to residential sites (this is particularly so for the commercial site at No. 239 Nayland Road). A Suburban Commercial zone in this Resource Management Plan was considered inappropriate. This is because of the wide range of activities that Suburban Commercial zoning allows as of right. Some of these activities could have significant adverse effects on the adjoining school and residential sites. For this reason, a Suburban Commercial Zoning with a schedule has been adopted. The schedule allows a much broader range of activities than the former C1 zoning, but excludes industrial and other activities with potential effects that could impact adversely on the school and residential neighbours.

Buildings are required to be set back from the residential zone boundary on 227-231 Nayland Road to protect the amenity and outlook of the neighbouring sites. This does not apply to 239 Nayland Road as this commercial site is physically part of the comprehensive building development on Honey-tye Way. Nor does it apply to the front of 227-231 Nayland Road where it borders Nayland Primary School. This is to allow a reasonable width of development across the road frontage of the site.

As these are 'strip' shops, on site parking and loading is not a requirement.

Assessment Criteria	Explanation
<p>INr.23.4</p> <ul style="list-style-type: none"> a) any actual or potential cumulative effects of allowing such activities to locate in the <u>Port Industrial Area Zone</u>^{07/01} and such effects on other zones. b) the scale of the activity in relation to the industrial area it will serve. c) the relationship of the proposed activity to the coastal marine area and to activities in the coastal marine area. d) the efficiency and sustainability of use of Port infrastructure and resources. 	<p>INr.23.5</p> <p>Rule provides exception for activities which rely on the special characteristics of the port area and zone which may not otherwise be permitted in the area, but which relate directly to or serve activities in the port area and coastal marine area. For the avoidance of doubt, activities that are permitted by other rules in this table eg. network utilities, are not constrained by rule INr.23.1.</p> <p>The intention of the rule is to ensure that any office, recreational and other facilities within the area relate directly to or serve activities in the port area and coastal marine area. This ensures that there is limited scope for the intrusion of non-port related activities into the Port Industrial Area without the need for resource consent, protects scarce industrial and reclaimed land, minimises the need to reclaim more, and maximises the use of land for port related activities.</p>
<p>INr.24.4</p> <ul style="list-style-type: none"> a) the effects on the Coastal Marine Area. b) the relationship of the activity to the airport. c) the efficiency and sustainability of use of airport infrastructure and resources. d) any actual or potential cumulative effects of allowing such activities to locate in the Zone. 	<p>INr.24.5</p> <p>Rule provides exception for activities which rely on the special characteristics of the area and Zone which may not otherwise be permitted in the area. For the avoidance of doubt, activities that are permitted by other rules in this table e.g. network utilities, are not constrained by rule INr.24.1.</p>
<p>INr.25.4</p> <ul style="list-style-type: none"> a) the length of time, and the level by which, the noise standards will be exceeded, and the likely disturbance that may cause. b) the nature and location of nearby activities and the effects they may experience. c) the topography of the site, and the neighbouring areas, and any influence this might have on noise transmission. d) any opportunities to mitigate the noise. e) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. 	<p>INr.25.5</p> <p>Engine run ups or testing can give rise to noise levels in the order of 80-95dBA which can create sleep disturbance.</p>

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Item	Permitted	Controlled	Discretionary/Non-complying
INr.26 Nayland Road South Restrictions	INr.26.1 Industrial activities in the Nayland Road South industrial area are permitted if they: a) involve the handling, storage, processing or packaging of fruit or vegetable products, or b) involve activities which are incidental to, or directly complement the above food processing industries.	INr.26.2 Activities involving the sale of landscape supplies, plants or gardening materials on Lots 1 and 2 DP 18299 are controlled. Control reserved over: a) location of goods having the potential to generate dust and other airborne contaminants b) methods used to mitigate the effects of airborne contaminants	INr.26.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
INr.27 Buildings and structures - height	INr.27.1 Buildings and structures are permitted if: a) maximum height is: i) 12m, or ii) 15m in the Nayland Road South industrial area, or to the south of Saxton Road West and bounded by Whakatu Drive and Main Road Stoke. b) buildings (except for any aerial) do not penetrate a recession plane starting at 2.5m vertically above the road boundary, increasing at an angle of 45° inclined into the site, where the road is a State Highway, arterial, principal or collector road, and c) buildings do not penetrate a recession plane in accordance with Appendix 15 (daylight admission – residential) where the site adjoins the Residential Zone, and for sites in the Nayland Road South industrial area, any other zone. Where the site adjoins the 5 metre strip (being part of Lot 34 DP349352 and Lot 34 DP362586) the site boundary shall be deemed to be the eastern boundary of the said strip for the purposes of measuring daylight angles. (see Chapter 2 Meanings of Words for definition of 'Height' [including chimneys] and 'Height measurement').	INr.27.2 not applicable	INr.27.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>INr.50.4</p> <ul style="list-style-type: none"> a) the impact any proposed lines and support structures will have on the character of the area. b) any alternatives considered or proposed. c) the purpose of the facility and the local community it will serve. d) any mitigation measures proposed. e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1. 	<p>INr.50.5</p> <p>“Minor Upgrading” (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, However, it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of “minor upgrading” is set out in Chapter 2 – Meaning of Words.</p>
<p>INr.51.4</p> <ul style="list-style-type: none"> a) the size and scale of the structures. b) any visual impacts, taking account of the character of the area. c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road. 	<p>INr.51.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators, to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p>
<p>INr.52.4</p> <ul style="list-style-type: none"> a) the Engineering Performance Standards in Appendix 13. b) the noise and air emissions from the road, taking account of the nature of nearby activities. c) any implications for traffic and pedestrian safety, both positive and adverse. d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e) any impacts on communities, eg. whether the road would divide a neighbourhood. f) any opportunities to provide views and vistas from the road. 	<p>INr.52.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>INr.53 Building on low lying sites</p>	<p>INr.53.1 Building is permitted if:</p> <ul style="list-style-type: none"> a) the ground level (excluding water bodies) is 15.35m NCC Datum or above; or ground level is raised and compacted to at least those levels: <ul style="list-style-type: none"> i) in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development), and ii) such that stormwater runoff from the site is not directed onto other sites or into any river or stream, and natural water flows from other sites are not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: <ul style="list-style-type: none"> i) concrete floor: 15.50m ii) timber floor: 15.65m <p>This rule does not apply to ground levels below 15.35m NCC Datum within the Port Operational Area where the appropriate level for a building must be determined by a registered engineer.</p> <p>This rule does not apply to bunded hazardous substance storage areas where the bunding and stormwater system provides inundation protection for that area to a level at or above that specified in this rule.</p>	<p>INr.53.2 not applicable</p>	<p>INr.53.3 Buildings that contravene a permitted condition are restricted discretionary activities.</p> <p>Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.</p>

Assessment Criteria	Explanation
<p>OSr.23.4</p> <ul style="list-style-type: none"> a) the extent to which the residential building will affect the character and expected use of the reserve. b) the extent to which options for other possible uses of the reserve are restricted by a residential unit being present. c) the extent to which design and appearance of the new building reflects the character of the reserve including existing buildings on and adjoining the reserve. d) the use of landscaping and site treatment proposed with the application to soften the appearance of the development and reduce the effects upon neighbouring properties. 	<p>OSr.23.5</p> <p>Accommodation for a caretaker or manager may in some cases provide a level of security that may not be possible by other means. It should, however, be avoided where such accommodation would adversely affect the character or functions of the reserve.</p> <p>(Refer to adjoining zone rules including: daylight, parking, access, outdoor living space.)</p>
<p>OSr.24.4</p> <ul style="list-style-type: none"> a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites. b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation. c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures. d) the topography of the site and the neighbouring areas. e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities. f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity. g) whether the activity is temporary, and the frequency of such events (where applicable). 	<p>OSr.24.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to sale of liquor aspects of activities.</p>
<p>OSr.25.4</p> <ul style="list-style-type: none"> a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) the Engineering Performance Standards in Appendix 13. 	<p>OSr.25.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequences on stormwater ponding. Monaco is exposed to wind driven tidal surge and wave set, hence an additional safety margin is required there.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule OSr.49 (earthworks) where a site is to be filled.</p> <p>This low lying site rule does not apply within the inundation overlay - see OSr.58 (inundation overlay)</p>

Item	Permitted	Controlled	Discretionary/Non-complying
OSr.26 Height of buildings	OSr.26.1 Buildings are permitted if: a) in Trafalgar Park, Rutherford Park and Saxton Field buildings do not exceed 18m in height, or b) in the rest of the Zone, they do not exceed 7.5m in height (see Chapter 2 Meanings of Words for definition of 'Height' [including chimneys] and 'Height measurement').	OSr.26.2 not applicable	OSr.26.3 Activities that contravene a permitted condition are discretionary.
OSr.27 Service buildings	OSr.27.1 Service buildings to be used for changing rooms, ablutions, toilets or storage for sports or reserve maintenance equipment are permitted if: a) they do not exceed 50m ² in area.	OSr.27.2 not applicable	OSr.27.3 Activities that contravene a permitted condition are discretionary.
OSr.28 Building over or alongside drains and water mains	OSr.28.1 a) Structures: i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the pipe is less than or equal to 300 mm in diameter, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the pipe is greater than 300mm in diameter, and iii) which are balconies, may overhang the line of the pipe or drain, provided the balcony is cantilevered and its height above ground level is not less than 1.8m, and iv) which are located within 3m, measuring horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30 degrees from the horizontal from the invert (bottom) of the pipe or drain (see diagram), and b) as an alternative to (a), structures may be located over common private or public sewer or stormwater drains, if they comply with Appendix 14, Table 14.5.2 (acceptable techniques for building over sewers or drains).	OSr.28.2 not applicable	OSr.28.3 Restricted Discretionary Activity Activities that contravene a permitted standard are a restricted discretionary activity. Discretion restricted to: i) the design and location of the structure, and ii) access to pipework for maintenance, and iii) the nature and location of the pipework Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act.

Assessment Criteria	Explanation
<p>OSr.43.4</p> <ul style="list-style-type: none"> a) any hazard presented by the utility. b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses. c) the visual impacts of the structure on residential or recreational use of land in the vicinity, and on significant ridge lines and view planes from public places, including roads. d) the scale, bulk and height of the facility. e) screening or landscaping of the utility and any modifications to its colour and design to reduce the visual effect of the utility on the surrounding environment. f) any constraints on placing the utility underground. g) 	<p>OSr.43.5</p> <p>Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk need to be assessed as discretionary activities.</p> <p>The electricity and telephone network is an important part of the city's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the residential streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2.</p>
<p>OSr.44.4</p> <ul style="list-style-type: none"> a) the impact any proposed lines and support structures will have on the character of the area. b) any alternatives considered or proposed. c) the purpose of the facility and the local community it will serve. d) any mitigation measures proposed. e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1. 	<p>OSr.44.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is set out in Chapter 2 – Meaning of Words.</p>
<p>OSr.45.4</p> <ul style="list-style-type: none"> a) the size and scale of the structures. b) any visual impacts, taking account of the character of the area. c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road. 	<p>OSr.45.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators, to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under those Acts, by the matters contemplated in these rules.</p>
<p>OSr.46.4</p> <ul style="list-style-type: none"> a) the Engineering Performance Standards in Appendix 13. b) the noise and air emissions from the road, taking account of the nature of nearby activities. c) any implications for traffic and pedestrian safety, both positive and adverse. d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e) any impacts on communities eg. whether the road would divide a neighbourhood. f) any opportunities to provide views and vistas from the road. 	<p>OSr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
OSr.47 Vegetation clearance [Note this rule is a regional and district rule]	OSr.47.1 Vegetation clearance is a permitted activity if: a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), except for the purpose of: i) forming or constructing a fire break, fence line, survey line, or ii) installing a utility service line across a river, or iii) maintenance of a State Highways, or iv) the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity, and b) it does not take place within 20m of the Coastal Marine Area, except for: i) maintenance of a State Highway, or ii) the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity; and c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and d) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance, and e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and f) there is no clearance of indigenous forest, <u>and</u> g) <u>there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, and providing an exception for vegetation clearance required for:</u> i) <u>maintenance of State Highways, or</u> ii) <u>the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</u> iii) <u>forming or maintaining vehicle access ways to land where there is no viable alternative access route available.</u> ^{PC13}	OSr.47.2 Vegetation clearance within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, is controlled if: a) the vegetation to be cleared is not indigenous forest, or is plantation forest planted before 25 October 1996 (the date of notification of this Plan), and b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and c) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance. Control reserved over: i) loss of topsoil, or movement of soil down slope, and ii) damage to structures or adjoining properties, and iii) soil and vegetation entering rivers, and iv) damage to instream habitats, and v) adverse effects on catchment stream flow, including stormwater, and vi) river bank erosion, and vii) duration of exposure of bare soil to wind and rainfall, and viii) catchment water quality, including suspended sediment load and increased stream bed load, and ix) the method and timing of the activity, and x) the area to be cleared at any one time, and xi) the provision of structures to control soil erosion or sedimentation, and xii) the timing and techniques used for revegetation.	OSr.47.3 Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity. Discretion restricted to: i) loss of topsoil or movement of soil down slope, and ii) the potential for slope failure, and iii) damage to structures or adjoining properties, and iv) soil and vegetation entering rivers and coastal water, and v) damage to instream and coastal habitats, and vi) adverse effects of catchment stream flow, and vii) stream bank and coastal erosion, and viii) duration of bare soil to wind and rainfall, and ix) water quality, including suspended sediment load and increased stream bed load, and x) the method and timing of the activity, and xi) the area to be cleared at any one time, and xii) the provision of structures to control soil erosion or sedimentation, and xiii) the timing and techniques used for revegetation, and xiv) the long term management of the land cleared, and xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and xvi) the values set out in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and xvii) the matters in Appendix 9 (landscape components and views), and xviii) the matters in Appendix 4 (marine ASCV overlay), <u>and</u> xix) <u>effects on the values and function of any biodiversity corridor.</u> ^{PC13}

Assessment Criteria	Explanation
<p>OSr.47.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in OSr.47.2, and restrict its discretion to the matters listed in OSr.47.3.</p>	<p>OSr.47.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Vegetation clearance adjacent to rivers and the coastal marine area have, because of their location, a high potential to cause soil erosion (river bank or coastal erosion), or sedimentation effects and are therefore controlled.</p> <p>Plantation Forest clearance near rivers and the coast is more tightly regulated after the date of notification of this Plan because it will have been planted in the knowledge that clearance near rivers would be regulated. Clearance of forest planted before that date are given controlled status to accommodate the expectations of owners at the time. Most rivers are included in the Riparian Overlay shown on the Planning Maps.</p> <p>Indigenous forest is specially protected to preserve intrinsic values of ecosystems, visual and other amenity values, as well as the relationship of Maori to their ancestral lands.</p> <p>Vegetation clearance in the Conservation Overlay is regulated by a separate rule.</p> <p><u>Vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.</u>^{PC13}</p>

^{PC13} Plan Change 13 (Marsden Valley)

Item	Permitted	Controlled	Discretionary/Non-complying
<p>OSr.48 Soil disturbance</p> <p>[Note this rule is a regional and a district rule]</p>	<p>OSr.48.1 Soil disturbance is a permitted activity if:</p> <p>a) either: the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following:</p> <ul style="list-style-type: none"> i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or ii) maintaining a state highway, road, track or landing, or iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and <p>b) soil disturbance does not take place within 5m of the banks of any river identified in Appendix 6 or within 20m of the Coastal Marine Area, except for:</p> <ul style="list-style-type: none"> i) the purpose of forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, or ii) cultivation of land with a predominant slope not exceeding 6° from horizontal, provided cultivation is at least 2m from the banks of the river, or iii) the purpose of maintaining a state highway, or iv) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, or mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and <p>c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of disturbance, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>OSr.48.2 Soil disturbance that contravenes a condition for permitted activities is controlled if:</p> <ul style="list-style-type: none"> a) the predominant slope does not exceed 35° from horizontal, and b) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and c) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance, and d) all formation surfaces with an inward cross fall shall be drained by a water table, and cut-offs or culverts shall be formed or installed so as to prevent erosion of the formed surfaces. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) loss of topsoil or movement of soil down slope, and ii) damage to structures or adjoining properties, and iii) soil and vegetation entering rivers or coastal water, and iv) damage to instream and coastal habitats, and v) adverse effects on catchment stream flow, including stormwater, and vi) river bank and coastal erosion, and vii) duration of exposure of bare soil to wind and rainfall, and viii) water quality, including suspended sediment load and increased stream bed load, and ix) the method and timing of the activity, and x) the area to be disturbed at any one time, and xi) the provision of structures to control soil erosion or sedimentation, and xii) the timing and techniques used for revegetation. 	<p>OSr.48.3 Soil disturbance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) loss of topsoil or movement of soil down slope, and ii) the potential for slope failure, and iii) damage to structures or adjoining properties, and iv) soil and vegetation entering rivers and coastal water, and v) damage to instream and coastal habitats, and vi) adverse effects on catchment stream flow, and vii) bank and coastal erosion, and viii) duration of bare soil to wind and rainfall, and ix) water quality, including suspended sediment load and increased stream bed load, and x) the method and timing of the activity, and xi) the area to be cleared at any one time, and xii) the provision of structures to control soil erosion or sedimentation, and xiii) the timing and techniques used for revegetation, and xiv) the long term management of the land cleared, and xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and xvi) the values set out in Appendix 6 Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and xvii) the matters in Appendix 9 (landscape components and views), and xviii) the matters in Appendix 4 (marine ASCV overlay).

Assessment Criteria	Explanation
<p>FWr:25.4</p> <p>a) location and area of discharge.</p> <p>b) risk of contamination of surface or groundwater.</p> <p>c) the degree to which any discharge of stormwater to Council stormwater infrastructure does not comply with the NCC Stormwater Bylaw or section XI: erosion and sedimentation control, in the NCC Engineering Standards. A site assessment will have to be supplied when an application is made for a discretionary activity to discharge stormwater into the Council's stormwater infrastructure.</p> <p>This assessment must include:</p> <p>i) detail of how and why the stormwater discharge contravenes the permitted conditions, and</p> <p>ii) a plan of the site layout that identifies all actual and potential sources of stormwater pollution, and</p> <p>iii) identification of best practicable options to ensure that actual and potential contamination of stormwater is minimised at source.</p>	<p>FWr:25.5</p> <p>This rule aims to minimise and, as far as possible, avoid the potential for contamination of surface water bodies and groundwater from leaching liquid contaminants. It is important to maintain existing water quality to provide for the existing and potential uses of that water.</p> <p>In other areas of New Zealand discharges to a stormwater pipe have been regarded as a discharge to land, and regulated under section 15(1)(b) of the RMA. Nelson City Council intends to primarily use bylaws under the Local Government Act to control the quality of discharges to stormwater infrastructure. However, it is necessary to include discharges to stormwater infrastructure in this rule, as a permitted activity, in order to clearly signal how the bylaw and the Nelson Resource Management Plan will work together to manage stormwater discharges and avoid duplication of process.</p> <p>The following district wide policy is relevant to this rule: DO19.1.7 (effect of land use activities on surface water bodies).</p>

Schedule Open Space and Recreation Zone

Sch.I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone.^{PC13}

^{PC13} Plan Change 13 (Marsden Valley)

12

rural

RUd	Description
RUd.1	The rural area administered by Nelson City Council represents an important resource. It contains much of the District's productive land resources, and hence is important to the local economy. It contains water supply dams, treatment facilities, pipe lines, sewers and oxidation ponds servicing the urban area. It is also of cultural significance to both tangata whenua and to the community as a whole, containing cultural sites, significant areas of indigenous flora and fauna, recreation areas, and rivers and streams which are important fisheries, habitats, and water sources. Most importantly, this zone forms the immediate and intermediate backdrop to the city in terms of the landscape. The landscape setting, together with the character of the zone defines Nelson and gives it a sense of place within the Council's administrative area.
RUd.2	The location of the zone is generally that area between the north-eastern edge of the urban area and the boundary with Marlborough District, plus the area behind and to the south of the urban area of the city to the boundary with Tasman District Council. It comprises largely the hilly area of the Council's administrative area, but includes those flats in the lower Wakapuaka, the Glen, and in the Whangamoa River area.
RUd.3	Residential development occurs at the Glen, at Cable Bay, and to a limited extent at Hira. Cable Bay and The Glen have a number of natural and physical constraints to further growth such as servicing, the requirements of the Act, and the New Zealand Coastal Policy Statement. The Glen is zoned Residential as it does have some opportunities for growth within existing boundaries and the constraints of servicing.
RUd.4	The Rural Zone is primarily serviced by the State Highway, which runs from the boundary with Marlborough District to the urban area. Other minor roads service the rural area directly from the urban area, or branch off the State Highway.
RUd.5	Little of the Rural Zone is serviced for water and sewage. The entire area is relatively well served with power and telecommunication links.
RUd.6	The Rural Zone can be defined as the area largely used for productive purposes, mainly for forestry and farming, excluding major conservation areas (mainly owned by the Council and the Department of Conservation). The zone includes a Small Holdings Area. The Small Holdings Area comprises mainly valley floors, along with the lower and mid slopes of a number of valleys including the Wakapuaka, and the Teal, Lud, and Marsden Valleys. <u>A Higher Density Small Holdings area has have been provided to the rear of the Residential zZone at Ngawhatu and Marsden Valleys, and adjoining the Rural farmland on the southern boundary of the land at Ngawhatu and near the entry to Marsden Valley. This zoning recognises the limited productive potential of this area due to its topography and small size, and in the case of the Higher Density Small Holdings Area in upper Marsden Valley, the maintenance of the open character of this visible slope. The zoning also allows for clustering of housing to mitigate visual amenity effects, and enables a transition from Residential to Rural Zoning.</u> ^{PC13}
RUd.7	See also the objectives and policies relating to zones in Chapter 5.

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RUd.8

Future changes anticipated:

As a consequence of the rapid uptake of the remaining residential land at the southern margin of the city, an increasing demand is anticipated for residential development is anticipated to the north of the city between the end of the existing residential area and Todds Valley. The demand for residential development to extend to higher contours through the northern residential area is also anticipated. Prior to extension of the residential zoning, issues such as water supply and sewer, property access, conflict with the State highway and natural hazards including slope stability will need to be addressed. Council anticipates that future proposals to extend the Residential Zone will be dealt with by way of privately promoted plan changes.

Hira is an area which has been identified as being a potential village, due to the location of community facilities there such as service activities, schooling, and a church. The issue of potential conflict with the State Highway would need to be addressed. While no village exists at the time this Plan was drafted, a village is anticipated. The expectation is that such a village will relate to its environment in form and style, and be unique, not simply being an extension of a suburb of Nelson. Again, the Council anticipates that future options will be dealt with by way of privately promoted plan changes.

objective

RU1 protect resources and capacities

Land used in a manner which will protect the life-supporting capacity, versatility and availability of land, soil, rock, aggregate, other natural resources, and ecosystems. Management must therefore be in a responsible manner which will sustain the potential of resources to meet the reasonably foreseeable needs of future generations.

Reasons

RU1.i The soil and the land base of the rural area represent much of the natural resources of Nelson. It is of high importance that the ability of these resources to support life is not undermined, as such an outcome would limit both the health of natural systems and of economic land use systems. While Nelson does not have a large resource of high quality land, it nevertheless depends on the primary products derived from the use of that land, particularly animal and forest products. It is not therefore in the long term interests of the community, nor is it a sustainable use of the resource, to allow the land to be degraded or used in a manner which will limit the choices of future generations.

policy

RU1.1 rehabilitation of land

Where temporary activities disturb land, that land should be rehabilitated to a level of capability as close as practicable to what it was before the activity commenced.

Explanation and Reasons

RU1.1.i Some activities will inevitably cause disruption of the land surface, such as mineral or aggregate extraction, or land filling. This policy seeks to ensure that where those activities occur, those carrying out the activity are required to rehabilitate the land, once the activity or parts of the activity has ceased, or in the case of a long term operation, that progressive rehabilitation is made. See also policies on landscape and amenity.

Methods

- RU1.1.ii** Rules requiring reinstatement of land, including revegetation.
- RU1.1.iii** Conditions on resource consents as required.

policy

RU1.2 range of activities

A wide range of activities which are compatible with the objectives and policies and in particular policy RU1.1 should be allowed to occur.

Explanation and Reasons

RU1.2.i Providing that activities do not conflict with the overall objectives and policies for the Zone, they will generally be permitted. This philosophy means that while there will be no lists of activities which will generally be provided for in the Zone, any activity which can be demonstrated not to have the adverse effects this Plan is seeking to avoid, can proceed.

Method

RU1.2.ii Structure this Plan to focus on effects and avoid the listing of activities.

objective

RU2 rural character

Maintenance or enhancement of an environment dominated by open space and natural features.

Reasons

RU2.i The natural character on which the rural character is based relies on the maintenance of natural ecosystems such as riparian, riverline and estuarine systems, and on the remnants of original vegetation together with significantly regenerated areas. Should these be removed from the Nelson area, the rural area would lose much of its unique qualities which differentiate it from many other parts of the country. In addition to natural features, pastoral agriculture and forestry contribute to the rural character.

RU2.ii The rural environment can be separated into three distinct areas. These are as follows:

- a) The **main area of the Rural Zone**, being the steeper hill areas, away from the coast and generally separated from the urban environment. This area tends to form the secondary backdrop to the city, and has a low level of apparent modification to the landscape. It does however contain significant areas of exotic forest development, which will remain a dynamic environment as varying age classes of forest are harvested and replanted. It also contains smaller areas of pastoral farming, and areas of land in various states of reversion to exotic, and in the longer term, indigenous vegetation. The area contains a very low level of development in terms of structures, as properties tend to be large, with a high degree of separation between clusters of buildings.
- b) The **Small Holdings Area** is generally contained within valley floors or between urban development and the Rural Zone. The pattern of development is much greater in this area, with structures at more regular intervals, but still at a low level of density with significant areas of land in between. Small holdings are not rural residential areas, but are large enough to provide the opportunity for a range of rural activities. The character is predominantly rural rather than residential. Use of the land within this area is far more varied, with horticultural activities interspersed in between areas of grazing, and occasionally areas of indigenous vegetation particularly in the Lud and Teal Valleys.

~~Part of the Marsden Valley area has also been identified as a Rural - Higher Density Small Holding Area, because of the limited productive potential of this area due to its topography and small size, and in the case of upper Marsden Valley, the ability to cluster development to mitigate visual amenity effects in relation to the open rural character of the visible slopes. given its immediate proximity to the residential area of Stoke. This includes a combination of Lower, Medium and Higher Density Small Holdings opportunity. The Medium Density Small Holdings Area has been defined in part of the valley shown on the Planning Maps~~

~~as Schedule T. This area was granted a resource consent in 1996 pursuant to the Transitional District Plan for allotments of 1 hectare minimum with an average size of not less than 2 hectares. The area was also subject to a reference on the Proposed Plan with respect to the zoning of the land in this Plan. The scheduling of the area is the outcome of those appeals. It is a compromise that allows for reasonable development opportunities in the valley, while ensuring minimal impact on the rural and landscape character of Marsden Valley (see also Objective RU4). The Higher Density Small Holdings Area as it relates to land within Schedule I (Marsden Valley), and Schedule V (Marsden Hills), Schedule E (Ngawhatu Residential Area) to the rear of the Residential Zone and adjoining part of the Rural Zoned farmland along the Southern boundary. This area^{PC13} provides for allotments of an average of 1 hectare but with a minimum subdivision area of 2,000m². This zoning will provide a transition between Residential and Rural areas and, as it relates to the more visually prominent area just below the Barnicoat Range, with development sensitive landscape values. This significant variation in the average density, and the minimum lot size, is to encourage small enclaves/clusters of serviced development with significant open space separating these. Geotechnical constraints within this area will also restrict development to a limited number of enclaves of settlement.~~

Within the Maitai Valley, adjoining the existing urban area, a high density Small Holdings Area has been defined. This is an extension of similar existing development.

Since the plan was notified in 1996, there has been a trend of undersize subdivisions in the North Nelson Rural Zone and Rural Small Holdings area. A plan change was notified in 2005 to make undersize subdivisions between The Glen Road and Whangamoia Saddle non-complying activities. This is an interim measure to halt this trend and avoid further adverse effects on rural character, until such time as a more structured and coordinated framework for subdivision is in place.^{05/01}

~~In Ngawhatu to the rear of the Residential zone, and adjoining part of the Rural zoned farmland on the southern boundary, provision has been made for a Higher Density Small Holdings area, to have an average of 1ha but with a minimum subdivision area of 2,000m². This zoning will provide a transition between Residential and Rural areas. The significant variation in the average density, and the minimum lot size, is to encourage small enclaves/clusters of development with significant open space separating enclaves/clusters of development. The geotechnical constraints within this area will restrict the development to a limited number of enclaves of development.~~^{PC13}

- c) The coastal environment is that area between the coast and generally the first ridgeline to the landward side of the coast. The pattern of development in this area has generally been very low key, with a low level of development of structures and patterns of development. Two areas of close subdivision occur within this overlay, being the settlement at the Glen, and a cluster of dwellings at Cable Bay. It is seen as a matter of priority through the Act, the New Zealand Coastal Policy Statement and of this Plan that these areas remain limited in extent.

RU2.iii Management of the character of the various parts of the rural environment is important to maintain Nelson's image as a pleasant green environment where there is ready access to passive and recreational activities. The rural area also contains significant natural and cultural features, and significant areas of indigenous flora and fauna which form part of Nelson's heritage, and in some cases represent only remnants of what Nelson once possessed. Protection, and preferably preservation, is seen as important to maintain Nelson's heritage for present and future generations, and for scientific as well as cultural reasons.

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policy
RU2.1 density - subdivision

Subdivision patterns should ensure that sufficiently large separations are maintained between clusters of buildings, or be designed such that any adverse effects on the rural character are avoided or mitigated, provided that a site meets a subdivision size permitted in this Plan.

Explanation and Reasons

RU2.1.i Maintaining large site sizes in the extensive rural area will ensure that the rural character is not compromised by numerous clusters of buildings dotted across the landscape as each individual property establishes a dwelling and associated outbuildings. Within the Small Holdings Area, it is also important to retain the open space character, although obviously more densely settled, to provide a rural feel which distinguishes the area from the densely settled urban environment. There may, however, be a range of ways in which the open space character may be maintained, other than the use of minimum site size, depending on the circumstances. There is opportunity to consider ~~groupings~~ clusters of dwellings, which may be appropriate in some situations for reasons of landscape amenity, stability or local servicing for example, providing that the general landscape character is not compromised.^{PC13}

RU2.1.iA For objectives and policies relevant to the Rural Zone - Higher Density Small Holdings Area (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7. See also objective RU4

RU2.1.iB Clustering of development with open space separating clusters in the Rural Zone - Higher Density Small Holdings Area with open space separating clusters in Schedule I (Marsden Valley), and ~~on the in Schedule V (Marsden Hills), in the High Density Rural Small Holdings zone within Schedule V,~~^{PC13} is encouraged in order to avoid dispersed development dominating the landform.

Method

RU2.1.ii Rules for minimum site size.

policy
RU2.2 density - small holdings

Small land holdings should be of sufficient size to provide for:

- a) maintenance of general rural character and amenities, and*
- b) being visually unobtrusive, utilising topography to avoid visual impacts, and*
- c) servicing from existing infrastructure, especially roads, and*
- d) privacy and separation of dwellings, and*
- e) containment of the adverse effects on site, especially to provide for on site sewage disposal, and*
- f) avoidance or mitigation of natural hazards,*

and should be in close proximity to the urban area of Nelson, to promote transport efficiency.

Explanation and Reasons

RU2.2.i Small rural land holdings can disrupt and destroy the rural values where open space and natural features predominate. The presence of small holdings may conflict with adjoining land used for productive purposes. Structures and new road construction particularly have adverse effects. Areas where the effects are not so marked, such as small valleys which can not be readily viewed by the public, if roads are already in place, are more likely to comply with this policy than elsewhere.

RU2.2.iA For objectives and policies relevant to the Rural Zone - Higher Density Small Holdings Area (Schedule I) refer to RE4 Marsden Valley (Schedule I), Chapter 7 See also Objective RU4.^{PC13}

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Methods

- RU2.2.ii Map Small Holdings Area where smaller holdings will be accepted as complying with the policy.
- RU2.2.iii Rules regulating allotment sizes in Small Holdings Area to allow smaller size.
- RU2.2.iv Exercise discretion on applications for subdivisions and building additional residential units.

policy

RU2.3 scale, height and density of structures

The scale, height, and density of structures should be such that they do not compromise the character of the area, or where the character of an area is already compromised by development, do not detract further from the amenity of the area.

Explanation and Reasons

RU2.3.i Buildings and structures which are not in harmony with the rural landscape have the potential to almost permanently affect the appearance and rural character of the Zone. An example might be a large silo located in a dominant part of the landscape (which might not be a problem tucked under a spur).

Method

RU2.3.ii Rules for maximum building heights, bulk and location.

policy

RU2.4 alteration of the contour of the land

Any adverse visual effects of activities which alter the contour of the land, such as filling, land contouring, and excavation should be avoided, remedied, or mitigated.

Explanation and Reasons

RU2.4.i Land recontouring activities have the potential to permanently alter the appearance of the landscape. Such effects may not be limited to the areas actually disturbed, but may relate to the loss of integrity of an adjacent or nearby feature. While there will be circumstances where such effects are unavoidable, they can be mitigated against by ensuring they do not affect any areas which can be readily viewed by the public as a whole, such as from traffic corridors and public open space, or remedied by ensuring that affected areas are restored or at least rehabilitated to an acceptable level from a landscape perspective.

Methods

- RU2.4.ii Rules relating to land disturbance.
- RU2.4.iii Exercise discretion where any land recontouring occurs.

policy

RU2.5 structure planning^{05/01}

Subdivision of the Rural Zone and Rural Small Holdings area between The Glen Road and Whangamoā Saddle which do not meet the minimum site sizes should be restricted as non-complying activities until such time as the Council has developed a strategic plan for further development in this area.

Explanation and reasons

RU2.5.i Since the Plan was notified in 1996, there has been a clear trend towards undersized rural residential subdivisions in the Nelson North area. For example, 45% of all subdivisions granted in the Rural Small Holdings are in Nelson North between 1996 and 2002 were non-complying. A further 90% in the Rural Zone were less than half

the permitted minimum lot size. The 2002 Hira Village and the Nelson Urban Growth Strategy 2004 both identified subdivisions and re-subdivision in Nelson North as cause for concern as they are changing the character of the area to one not anticipated in the Plan.

- These concerns centre around:
- Loss of rural character
- Adverse effects precedent
- Cumulative effects
- Form, function and efficiency of dispersed rural-residential development

Left unabated, there is the potential for continued undersize subdivision to create a rural community and character more consistent with dispersed large residential holdings rather than rural small holdings.

Given this, and the continuing trend and demand for undersize rural lots, Council has identified the need for a more structured and coordinated approach to rural residential development in Nelson North. This will allow future development and subdivision to be undertaken within a framework which takes into account the future long term form and function of this type of development. However, until such a framework is in place, further land fragmentation by rural residential development will be more tightly controlled.

Method

Making undersize rural and small holdings subdivision in Nelson North a non-complying activity.^{05/01}

objective

RU3 protection of amenity

Recognise and maintain the local rural amenity experienced within the Rural Zone including the local noise environment.

Reasons

RU3.i Local amenity within and surrounding any particular site is highly important for those who live and work in this environment. The environment is however that of a working Rural Zone, and while people live in the Zone, they cannot expect the same residential level of amenity that would be expected in residentially zoned land.

RU3.ii Activities which characterise the rural environment, such as farming and forestry, may have effects arising from normal everyday operations which can adversely affect other activities such as residential living, recreation and tourism. These effects include matters such as traffic, long hours of operation, noise, dust, and landscape effects (such as forest harvesting). There may also be situations where emergency services temporarily exceed noise limits.

RU3.iii Experience has shown, in particular, that mixing small-site residential activities with rural activities creates pressure on those rural activities to cease parts of their operation which may have these impacts. For this reason this Plan seeks to exclude the continuing ingress of residential-only activities into the rural environment, and control the location of small holdings in order to minimise these conflicts. Promoters of other activities which require a rural location should locate in this area with full awareness that these effects exist.

RU3.iv This objective is not, however, intended to allow unreasonable uncontrolled effects such as chemical trespass, or activities carried out in a manner which disregards the rights and reasonable expectations of any other rural activity or property owner.

policy

RU3.1 location of structures

Structures should be located on a property in such a way as effects on adjacent sites are minimised.

policy

RU3.2 location of trees and shelter

Plantation forests and dense evergreen shelterbelts should not be planted so as to unduly shade or adversely affect adjacent properties.

Explanation and Reasons (policies RU3.1 and RU3.2)

RU3.2.i Care should be exercised when locating structures, particularly residential buildings, or dense planting of trees to ensure that adverse effects of one activity on another are minimised to an acceptable degree.

Method (policies RU3.1 and RU3.2)

RU3.2.ii Rules for separation distances - trees and buildings from boundaries.

policy

RU3.3 avoidance of effects

Activities should not give rise to unreasonable adverse effects which compromise the amenity of adjacent properties, services and zones such as undue levels of noise, smell, traffic and dust.

Explanation and Reasons

RU3.3.i Activities in and adjacent to the Rural Zone should be able to function without being unreasonably compromised by another activity. The Rural Zone is generally seen as a quiet, peaceful environment, although from time to time there are bursts of high activity such as forest harvesting, aerial spraying and topdressing, stock movements, and cultivation among others, which should be seen as normal. Rural properties are, for many, their homes as well as a place of work, and as such are entitled to a reasonable level of protection against adverse effects of adjoining or nearby activities. Issues such as preservation of privacy, both aural and visual, and protection from effects such as dust from operations, and odour from stock, need to be addressed in order to maintain acceptable levels of amenity on each property. It is acknowledged that emergency services such as fire stations may occasionally need to exceed noise limits in the interests of public health and safety and this is recognised in the definition of noise.

Methods

RU3.3.ii Rules for maximum noise levels.

RU3.3.iii Controls on groups of activities which have potential to create these effects such as factory farming, and rural servicing activities.

Objective

RU4 — Marsden Valley (Schedule I only)^{PC13}

~~Subdivision and development within the Marsden Valley Small Holdings Area that does not adversely affect the rural and landscape character of the Marsden Valley.~~

policy

RU4.1 — Marsden Valley road corridor

~~Development within the Marsden Valley Small Holdings Area should maintain the un-built character and appearance of the viewing corridor both sides of Marsden Valley Road by, for instance:~~

- ~~a) Requiring new buildings to be behind the defined setback line on the eastern side of the road, and requiring that no new residential buildings are erected between the western side of Marsden Valley Road and Poormans Valley Stream, and~~
- ~~b) Ensuring the screening of buildings from Marsden Valley Road where feasible, and~~
- ~~c) Minimising the number of vehicle accesses onto Marsden Valley Road, and~~
- ~~d) Protecting particular trees that contribute to the landscape character of the Valley, and~~
- ~~e) Controlling the design and layout of new roads, and~~
- ~~f) Restricting development on the more visible slopes.~~

Explanation and Reasons

~~RU4.1.i — The Marsden Valley Landscape Study (NCC, February 2000) was commissioned to look at whether residential development could be accommodated within Marsden Valley without compromising the landscape values and rural character of this area. The Study noted that visitors to the valley gain their main impression of its landscape character from views along the corridor of Marsden Valley Road, and that built development in this area would become a conspicuous feature of the valley, affecting its important rural character. The Study concluded however, that this part of the valley could support a degree of residential development without compromising its rural character, provided the development could be largely “hidden” from view by those travelling along Marsden Valley Road. Such development must therefore be restricted, with particular attention paid to protecting the visual corridor along Marsden Valley Road.~~

Methods

~~RU4.1.ii — Scheduling of the Marsden Valley Small Holdings Area to control building setbacks, removal of significant trees and the number of vehicle accesses onto Marsden Valley Road.~~

~~RU4.1.iii — Protection of Heritage and Landscape trees by listing in Appendix 2.~~

policy

RU4.2 — development density in Marsden Valley

~~Subdivision and development densities should not be varied from those set down within the Marsden Valley Small Holdings Area unless it can be shown that the rural character and landscape values of the Valley can be maintained or enhanced and therefore that the adverse effects are no more than minor.~~

Explanation and Reasons

~~RU4.2.i — The Marsden Valley Landscape Study suggested that the hills surrounding the valley could accommodate further subdivision and development. However it also noted that the hill slopes are generally more visible than the flats and for this reason development on the eastern slopes of the valley should be restricted to low density so as to maintain the rural character and landscape values.~~

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Methods

~~RU4.2.ii~~ Scheduling of the Marsden Valley Small Holdings Area to control lot sizes. The Marsden Valley Landscape Study was limited in its area of assessment to land at that stage subject to an Appeal and subsequently rezoned for residential and small holdings purposes. It did not assess the landscape values and development capabilities of the wider catchment.

~~RU4.2.iii~~ Zoning of land for Higher Density Small Holdings (within Schedule V), subject to a minimum average lot size of 1 hectare and with Assessment Criteria seeking to cluster development and separate enclaves of development by open space and reserves.

policy

~~RU4.3~~ — ~~vegetation~~

~~Subdivision and development should maintain or enhance the existing vegetation patterns within the Valley, in order to soften the effects of such development on the rural character and landscape values of the Valley.~~

~~Explanation and Reasons~~

~~RU4.3.i~~ The Marsden Valley Landscape Study suggested that if further planting occurred adjacent to the water courses within the Valley, they would provide a strong and attractive landscape setting for residential development and would also act to reduce the visual effect of that development within the Valley. The Study also advocates the establishment of 20m esplanade reserves along each bank of the Poormans Valley Stream to enable this to be achieved and to strengthen recreational linkages within the valley.

~~Specific established trees in the Valley not only enhance the rural character of the area, but also serve to screen residential development and therefore are protected.~~

Methods

~~RU4.3.ii~~ Protection of Heritage and Landscape trees by listing in Appendix 2 or by the establishment of a protective covenant on the title of the property at the time of subdivision.

~~RU4.3.iii~~ Specifying within Appendix 5, that 20m wide esplanade reserves are required along the banks of this portion of Poormans Valley Stream.

policy

~~RU4.4~~ — ~~land recontouring~~

~~Subdivision and development, except for the development of individual building sites, should maintain the existing landform since this is an important part of the character and landscape of the Valley, and is important in screening house sites from Marsden Valley Road.~~

~~Explanation and Reasons~~

~~RU4.4.i~~ The Marsden Valley Landscape Study advocates the preservation of existing landforms within Marsden Valley which contribute to its overall character and amenity. While land recontouring and other earthworks are often necessary activities associated with residential development, these must be controlled in the Marsden Valley in recognition of the importance of these natural landforms.

Methods

~~RU4.4.ii~~ Scheduling of the Marsden Valley Small Holdings Area to control earthworks. ^{PC13}

policy

~~RU4.5 — building on highly visible slopes~~

~~Development should not occur on the highly visible slopes of Marsden Valley, unless it can be shown that the rural character and landscape values of the Valley can be maintained or enhanced and therefore that the adverse effects are no more than minor.~~

Explanation and Reasons

~~RU4.5.i — The Marsden Valley Landscape Study advocates the preservation of the highly visible ridge-tops. It recommends that a “no-building” restriction be applied above the 210m contour to ensure these areas are not compromised by prominent buildings. The restricted discretionary status allows applications for buildings on these slopes to be declined if it is considered that they will be visually obtrusive.~~

Methods

~~RU4.5.ii — Scheduling of the Marsden Valley Small Holdings Area to control building above the 210m contour.~~

policy

~~RU4.6 — roading design and layout~~

~~Roading design and layout should preserve the existing landform wherever possible and should maintain or enhance the rural character and landscape values of the Valley by ensuring that the outward signs of residential development are minimized in the Valley.~~

Explanation and Reasons

~~RU4.5.i — The Marsden Valley Landscape Study made a number of recommendations in respect of roading design and layout. Formed roads are an obvious signal of development and often dictate the position of other features of development such as fences and services, lot boundaries and buildings. Where roads follow existing landforms, the effect on the overall character of the landscape is reduced.~~

~~Roads can also be designed to have minimal impact on a rural environment, for example by relaxing the kerb and channelling requirements and restricting cutting and filling.~~

Methods

~~RU4.5.ii — Scheduling of the Marsden Valley Small Holdings Area to control the design and location of formed roads.^{PC13}~~

RU4 Marsden Valley (Schedule I)

For objectives and policies relevant to the Rural Zone – Higher Density Small Holdings Area which is contained within the Schedule I area refer to RE4 Marsden Valley (Schedule I), Chapter 7.^{PC13}

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RUE 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 Result	Indicators	Data Source
RUE.1 Maintenance of present levels of diversity and health of soils and ecosystems	RUE.1.1 a) Change in land cover, use, and areas of bare ground b) Numbers of resource consents and types of conditions of consents	5 yearly aerial photography run across the Council's administrative area Compliance monitoring on a case by case basis
RUE.2 Maintenance of the green surroundings of urban Nelson	RUE2.1 a) Change in density of subdivision patterns and built structures b) Complaints received about developments in the Rural Zone	5 yearly aerial photography run across the Council's administrative area Monitoring of building and subdivision consent numbers Council's complaints register
RUE.3 Adverse effects of use and development in the Rural Zone which are controlled to acceptable levels of environmental quality	RUE3.1 a) Changes in ambient noise levels and other environmental effects at selected locations b) Complaints received about adverse effects	Data collected at selected sites Council's complaints register

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rule table

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.20 Permitted activities General	RUr.20.1 Any activity is a permitted activity provided that: a) it does not contravene any other relevant rule in this rule table, and b) the activity is not an industrial activity exceeding 300m ² , and c) the activity does not include intensive commercial livestock farming, and d) the activity is not a commercial activity with a gross floor area including any outside storage exceeding 300m ² , and e) the activity is not an industrial or commercial activity which is located within the High Density Small Holdings Area or within the Marsden Valley Small Holdings Area. ^{PC13} Here Rule REr.21 (Home Occupations) applies.	RUr.20.2 not applicable	RUr.20.3 Activities that contravene a permitted condition are discretionary and if: a) In the case of intensive commercial livestock farming: i) any building, compound or part of a site used for the purpose is set back greater than 60m from any site boundary or greater than 200m of any Residential Zone boundary, and ii) except where the building, compound or part of a site is to be used for the keeping of pigs or poultry in which case such facilities shall be set back greater than 1200m from a Residential Zone boundary or place of public assembly, or greater than 300m from any site boundary, and iii) the building, compound or part of a site is set back at least 30m from any watercourse. Activities which contravene one or more of these standards are non complying under a).
RUr.21 Boarding of cats	RUr.21.1 Boarding of cats is permitted, if: a) the building, compound or part of a site used for the purpose is set back at least 10m from any site boundary, and b) the building, compound or part of a site is greater than 30m from any watercourse.	RUr.21.2 not applicable	RUr.21.3 Activities that contravene a permitted condition are discretionary.
RUr.22 Boarding of domestic animals (excluding cats)	RUr.22.1 Boarding of domestic animals (excluding cats) is not a permitted activity.	RUr.22.2 not applicable	RUr.22.3 Boarding of domestic animals other than cats is discretionary if: a) any building, compound or part of a site used for the purpose is set back at least 30m from any site boundary, and 200m from any Residential Zone boundary, and b) the building, compound or part of a site is set back at least 30m from any watercourse.

^{PC13} Plan Change 13 (Marsden Valley)

Assessment Criteria	Explanation
<p>RUr.23.4</p> <ul style="list-style-type: none"> a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites. b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation. c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures. d) the topography of the site and the neighbouring areas. e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities. f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity. g) whether the activity is temporary, and the frequency of such events (where applicable). 	<p>RUr.23.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the Zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to the sale of liquor aspects of activities.</p>
<p>RUr.24.4</p> <ul style="list-style-type: none"> a) the landscape and scenic value of the area to be cleared. b) the values of the area in accordance with the criteria set out in Policy DO5.1.1 (areas with high natural values). c) the proposed future use of the land, or likely future uses of the land. d) The species involved, the sustainability of harvest given the age of the dominant vegetation, the size of the resource, the scarcity of the resource, and the likely rate of revegetation e) any other cultural values associated with the land. 	<p>RUr.24.5</p> <p>Provides a second tier level of protection to lower value remnant and regenerating forest not protected by the provisions of the Conservation Overlay. These areas still, however, contribute significantly to the landscape, character and biological diversity of an area.</p> <p>Indigenous vegetation is defined in Chapter 2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.25</p> <p>Vegetation clearance (other than indigenous forest)</p> <p>[note that this rule is a regional and a district rule]</p>	<p>RUr.25.1</p> <p>Vegetation clearance is a permitted activity if:</p> <p>a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), except for the purpose of forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, or for maintenance of a State Highway, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the clearance is no more than is required to permit the activity, and</p> <p>b) it does not take place within 20m of the Coastal Marine Area, except for maintenance of a State Highway, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the clearance is no more than is required to permit the activity, and</p> <p>c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) there is no clearance of indigenous forest, <u>and</u></p> <p>g) <u>there is no clearance of vegetation within a biodiversity corridor unless it is a exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest management Strategy, and providing an exception for vegetation clearance required for:</u></p> <p>i) <u>maintenance of State Highways, or</u></p> <p>ii) <u>the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</u></p> <p>iii) <u>forming or maintaining vehicle access ways to land where there is no viable alternative access route available.</u>^{PC13}</p>	<p>RUr.25.2</p> <p>Vegetation clearance within 5m of the banks of any river identified in Appendix 6, or within 20m of the Coastal Marine Area, is controlled if:</p> <p>a) the vegetation to be cleared is not indigenous forest or is plantation forest planted before 25 October 1996, (the date of notification of this Plan), and</p> <p>b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>c) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance.</p> <p>Control reserved over:</p> <p>i) loss of topsoil, or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers, and</p> <p>iv) damage to instream habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) catchment water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be cleared at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation.</p>	<p>RUr.25.3</p> <p>Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity. Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) stream bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) the values set out in Appendix 6, Table 6.1 (riparian and coastal margin overlays), for any river, and</p> <p>xvii) the matters in Appendix 9 (landscape components and views), and</p> <p>xviii) the matters in Appendix 4 (marine ASCV overlay), <u>and</u></p> <p><u>xix) effects on the values and function of any biodiversity corridor.</u>^{PC13}</p>

^{PC13} Plan Change 13 (Marsden Valley)

Assessment Criteria	Explanation
<p>RUr.25.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in RUr.25.2; and restrict its discretion to the matters listed in RUr.25.3.</p>	<p>RUr.25.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Vegetation clearance adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank or coastal erosion), or sedimentation effects and are therefore controlled.</p> <p>Plantation Forest clearance near rivers and the coast is more tightly regulated after the date of notification of this Plan because it will have been planted in the knowledge that clearance near rivers would be regulated. Clearance of forest planted before that date, are given controlled status to accommodate the expectations of owners at the time. Most rivers are included in Appendix 6 and the Riparian Overlay shown on the Planning Maps.</p> <p>Indigenous forest clearance is regulated under the preceding rule.</p> <p>Vegetation clearance in the Conservation Overlay is regulated by a separate rule.</p> <p><u>Vegetation is specifically protected in biodiversity corridors to ensure their function as a corridor is not compromised through clearance.</u>^{PC13}</p>

^{PC13} Plan Change 13 (Marsden Valley)

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.26 Soil disturbance [note that this rule is a regional and a district rule]	RUr.26.1 Soil disturbance is a permitted activity if: a) either - the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following: i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or ii) maintaining a state highway, road, track or landing, or iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity b) Soil disturbance does not take place within 5m of the banks of any river included in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for: i) the purpose of maintaining State Highways, or ii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity iii) cultivation of land with a predominant slope not exceeding 6° from horizontal, provided cultivation is at least 2m from the banks of the river, and c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and d) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of disturbance, and e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.	RUr.26.2 Soil disturbance that contravenes a condition for permitted activities is controlled if: a) the predominant slope does not exceed 35° from horizontal, and b) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and c) all bare soil areas are revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the vegetation clearance, and d) all formation surfaces with an inward cross fall shall be drained by a water table, and cut-offs or culverts shall be formed or installed so as to prevent erosion of the formed surfaces. Control reserved over: i) loss of topsoil or movement of soil down slope, and ii) damage to structures or adjoining properties, and iii) soil and vegetation entering rivers or coastal water, and iv) damage to instream and coastal habitats. v) adverse effects on catchment stream flow, including stormwater, and vi) river bank and coastal erosion, and vii) duration of exposure of bare soil to wind and rainfall, and viii) water quality, including suspended sediment load and increased stream bed load, and ix) the method and timing of the activity, and x) the area to be disturbed at any one time, and xi) the provision of structures to control soil erosion or sedimentation, and xii) the timing and techniques used for revegetation.	RUr.26.3 Soil disturbance that contravenes a controlled standard is a restricted discretionary activity. Discretion restricted to: i) loss of topsoil or movement of soil down slope, and ii) the potential for slope failure, and iii) damage to structures or adjoining properties, and iv) soil and vegetation entering rivers and coastal water, and v) damage to instream and coastal habitats, and vi) adverse effects on catchment stream flow, and vii) bank and coastal erosion, and viii) duration of bare soil exposure to wind and rainfall, and ix) water quality, including suspended sediment load and increased stream bed load, and x) the method and timing of the activity, and xi) the area to be cleared at any one time, and xii) the provision of structures to control soil erosion or sedimentation, and xiii) the timing and techniques used for revegetation, and xiv) the long term management of the land cleared, and xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and xvi) the values set out in Appendix 6 Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and xvii) the matters in Appendix 9 (landscape components and views), and xviii) the matters in Appendix 4 (marine ASCV overlay).

Assessment Criteria	Explanation
<p>RUr.29.4</p> <ul style="list-style-type: none"> a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater, ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) the Engineering Performance Standards in Appendix 13. 	<p>RUr.29.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule RUr.27 (earthworks) where a site is to be filled.</p> <p>This Rule relates to minimum ground and floor levels for hazard mitigation purposes. It does not relate to minimum floor levels arising from the requirements of the Building Act. The Building Act may require height additional to that specified in this rule (to achieve clearance to ground, crawl space and other requirements).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.31A Building over or alongside drains and water mains	<p>RUr.31A.1</p> <p>a) Structures:</p> <ul style="list-style-type: none"> i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the pipe is less than or equal to 300mm in diameter, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the pipe is greater than 300mm in diameter, and iii) which are balconies, may overhang the line of the pipe or drain, provided the balcony is cantilevered and its height above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram). <p>b) Carports may be constructed over pipes or drains (but not water mains or other pressurised pipelines) provided that:</p> <ul style="list-style-type: none"> i) The foundations are located in accordance with a) iv) above; and ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and iii) The carport is not closed in; and iv) The floor is not concrete to a depth greater than 150mm; and v) An encumbrance is registered on the certificate of title for the property acknowledging the location of the pipe or drain under the structure and reminding future owners that rules ii) iii) and iv) (above) apply and that access to the pipe or drain for maintenance and repair (and reinstatement afterwards) must be made available at the structure owner's cost). <p>c) As an alternative to (a) and (b), structures may be located over common private or public sewer or stormwater drains or pipes (but not pressurised pipes), if they comply with Appendix 14, Table 14.5.2, "Acceptable Techniques for Building over Drains or Pipelines".</p>	<p>RUr.31A.2</p> <p>Not applicable</p>	<p>RUr.31A.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) The design and location of the structure, and ii) Access to pipework for maintenance, and <p>The nature and location of the pipework.</p> <p>Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under Section 94 of the Act provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p>
RUr.32 Buildings - height	<p>RUr.32.1</p> <p>Maximum height -12m.</p> <p>(see Chapter 2 Meanings of Words for definition of 'Height' [including chimneys] and 'Height measurement').</p>	<p>RUr.32.2</p> <p>not applicable</p>	<p>RUr.32.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
RUr.33 Site coverage for structures, storage, and utility yard areas	<p>RUr.33.1</p> <p>Construction or alteration of structures and paving of land with impervious surfacing (including driveways, paths and yards) is permitted if no more than 2500m² of any site is covered by structures or impervious surfaces (other than structures used for handling animals or plants).</p>	<p>RUr.33.2</p> <p>not applicable</p>	<p>RUr.33.3</p> <p>Activities that contravene the conditions for permitted activities are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.43.4</p> <ul style="list-style-type: none"> a) the size and scale of the structures. b) any visual impacts, taking account of the character of the area. c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road. 	<p>RUr.43.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators in order to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p>
<p>RUr.44.4</p> <ul style="list-style-type: none"> a) the impact any proposed lines and support structures will have on the character of the area. b) any alternatives considered or proposed. c) the purpose of the facility and the local community it will serve. d) any mitigation measures proposed. e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1 (areas with high natural values). 	<p>RUr.44.5</p> <p>The rule provides for overhead facilities where they will not impact to a significant degree on the local character of the area.</p> <p>It should be noted that where overhead wires are installed within an overlay the provisions of the overlay may apply as well as this rule.</p> <p>Note that "Maintenance" is defined in Chapter 2 – Meaning of Words.</p>
<p>RUr.45.4</p> <ul style="list-style-type: none"> a) the impact any proposed lines and support structures will have on the character of the area. b) any alternatives considered or proposed. c) the purpose of the facility and the local community it will serve. d) any mitigation measures proposed. e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1. 	<p>RUr.45.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is clearly set out in Chapter 2 – Meaning of Words.</p>
<p>RUr.46.4</p> <ul style="list-style-type: none"> a) the Engineering Performance Standards in Appendix 13. b) the noise and air emissions from the road, taking account of the nature of nearby activities. c) any implications for traffic and pedestrian safety, both positive and adverse. d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e) any impacts on communities eg. whether the road would divide a neighbourhood. f) any opportunities to provide views and vistas from the road. 	<p>RUr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.47 Noise	<p>RUr.47.1</p> <p>a) Noise levels from Rural Areas when measured at or within any site in a Residential Zone must not exceed:</p> <p>Day Time 55 dBA (L10)</p> <p>Other Times 45 dBA (L10) 75 dBA (Lmax)</p> <p>Day Time means 7am-10pm Monday to Friday, and 9am-10pm Saturdays, Sundays and Public Holidays.</p> <p>b) Noise levels measured at or within the notional boundary of any rural dwelling other than any dwelling on the site from which the noise is being generated, must not exceed:</p> <p>Day Time 55 dBA (L10)</p> <p>Other Times 45 dBA (L10) 75 dBA (Lmax)</p> <p>Day Time means 6am-10pm Monday to Sundays. For Part (b) of this Rule, all noise from normal rural activities shall be excluded, including:</p> <ul style="list-style-type: none"> i) mobile horticultural and agricultural equipment, and ii) temporary forest and tree harvesting activities, and iii) animals, except when associated with intensive commercial livestock farming and animal boarding activities, and iv) bird scares and hail canons. <p>c) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.</p>	<p>RUr.47.2</p> <p>not applicable</p>	<p>RUr.47.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
RUr.48 Hazardous substances - use and storage	<p>RUr.48.1</p> <p>The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21 (hazardous substances).</p>	<p>RUr.48.2</p> <p>The use or storage of hazardous substances is a controlled activity if it complies with the standards and terms for controlled activities in Appendix 21.</p>	<p>RUr.48.3</p> <p>The use or storage of hazardous substances is a discretionary activity if it complies with the standards and terms for discretionary activities in Appendix 21.</p>
RUr.49 Papakainga Development (Sch.P)	<p>RUr.49.1</p> <p>Papakainga development is permitted if:</p> <p>a) it complies with Schedule Sch.P.</p>	<p>RUr.49.2</p> <p>Schedule Sch.P applies.</p>	<p>RUr.49.3</p> <p>Schedule Sch.P applies.</p>

Assessment Criteria	Explanation
<p>RUr.51.4</p> <ul style="list-style-type: none"> a) the visibility of the site from the coast. b) the accessibility of the public to the locality. c) the nature of the activity and its likely visual impacts on the coast. d) any mitigation measures proposed such as landscaping, fencing or in terms of building design. e) the effects of activities on values identified in Appendices 4 and 5. 	<p>RUr.51.5</p> <p>“Minor Upgrading” (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of “minor upgrading” is clearly set out in Chapter 2 – Meaning of Words.</p>
<p>RUr.52.4</p> <ul style="list-style-type: none"> a) the nature, form and extent of the proposed activity and its effects on any archaeological site. b) whether any archaeological site exists within 50m of the site of the earthworks, and if so its proximity. c) the nature of the archaeological site and its sensitivity. d) the outcome of consultation with the tangata whenua of the area affected by the activity. e) the findings of any archaeological survey of the area surrounding the site commissioned by the applicant. f) if the site is to be modified, whether there is sufficient time and expertise to record or investigate the site. g) the ability to avoid, remedy or mitigate any adverse effects of the activity on any archaeological site. h) the assessment matters in RUr27.4 (Earthworks) 	<p>RUr.52.5</p> <p>The rule regulates earthworks within the Archaeological Overlay in order to provide additional control to avoid damaging archaeological sites. (See RUr.50.5 for an explanation relating to the Archaeological Overlays.) Shallow soil disturbance, such as cultivation, is permitted by this rule.</p> <p>Records of some archaeological sites within the Archaeological Overlays are available at the Council offices. Applicants will be expected to establish the presence or absence of archaeological sites near their proposed activity through consultation with the relevant iwi, and where necessary in some cases through an archaeological investigation.</p> <p>See Rule RUr.59 for individual mapped archaeological sites located outside the Archaeological Overlays.</p> <p>Provision is made for a situation where an individual landowner has conducted the necessary consultation with appropriate iwi and heritage representatives prior to applying for resource consent. In these instances, a letter signed by these representatives stating that the site of the works is “safe” (i.e. Has no apparent or known heritage or cultural values) for earthworks, will enable the activity to be considered without the need for further consultation and on a restricted discretionary basis.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.53 Coastal Environment Overlay Earthworks (Note that this is a regional and a district rule)</p>	<p>RUr.53.1 Earthworks are permitted activities in the Coastal Environment Overlay for the following purposes:</p> <ul style="list-style-type: none"> a) maintenance of existing roads and tracks along their existing formation, or b) cultivation of soil down to a depth of 300mm, or c) earthworks associated with building foundations, or d) earthworks associated with forming a vehicle access to a residential unit on a site located between Cable Bay Road and Delaware Inlet between Lot 5 DP 5832 and Pt Sec 90 Square 23 SO 2104 inclusive, provided the earthworks are not within 20m inland from mean high water springs or highest astronomical tide in those circumstances where the difference between the two levels would indicate that the actual effect of earthworks on the environment would be greater due to the lesser distance to the waters edge, or e) provision is made for network utility operators to add lines to existing poles where the visual effect will be minor. Provision is also made for existing line networks to be extended to service new customers in an area. However a limitation is placed both on the number of support poles able to be erected and on the time frame that this can occur in, to ensure a cumulative visual effect is avoided. The rule is designed to ensure that only minor extensions can occur and in an acceptable time frame. 	<p>RUr.53.2 Earthworks which contravene a permitted condition are controlled if:</p> <ul style="list-style-type: none"> a) they are not located within the Land Management Overlay and the maximum height or depth of excavation or filling does not exceed 3m, or b) they are located within the Land Management Overlay and the maximum height or depth of excavation or filling does not exceed 1.2m. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the scale of the earthworks and their visibility, especially from the coast, and ii) the length of time that the works are expected to be visible, and iii) any mitigation measures proposed to ensure that visual impacts are minimised, and that sediment does not reach the coast directly or indirectly, and iv) revegetation of any side cast spoil v) any effects on coastal processes and ecosystems, and vi) any effects on, or risks from, coastal hazards, and vii) the assessment criteria in Rule RUr.27 (earthworks). 	<p>RUr.53.3 Earthworks that contravene a permitted condition or a controlled standard are a discretionary activity.</p>

Assessment Criteria	Explanation
<p>Assessment Criteria for RUr.68.4, RUr.69.4, RUr.70.4, RUr71.4 & RUr.72.4</p> <ul style="list-style-type: none"> a) the condition of the tree, including any significant potential hazard to people or property. b) the extent to which the tree or trees contribute to the amenity of the neighbourhood. c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place. d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property. e) the extent to which the tree would seriously restrict the development potential of the site. f) any hardship or significant nuisance the tree causes to any person. g) any substitute or compensating tree planting or landscaping proposed. h) In the case of a tree in the road reserve: i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic. ii) whether alternatives to removing or damaging the tree have been adequately explored. i) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above: i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river ii) whether alternatives to removing or damaging the tree have been adequately explored. j) when the activity is within the dripline of a Heritage or Landscape Tree, how the tree trunk and roots will be protected while works proceed (eg, erection of a physical barrier). 	<p>RUr.69.5</p> <p>Normal trimming is permitted for Landscape Trees. The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage trees, but still important.</p> <p>Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p>Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p> <hr/> <p>RUr.70.5</p> <p>Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.71 Heritage and Landscape Trees Removing or destroying a Heritage or Landscape Tree identified in Appendix 2	RUr.71.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity	RUr.71.2 not applicable	RUr.71.3 Landscape Trees Removing or destroying a Landscape Tree is a discretionary activity. Heritage Trees Removing or destroying a Heritage Tree is a non-complying activity.
RUr.72 Local Trees Removing a Local Tree identified in Appendix 2	RUr.72.1 Removing a Local Tree is permitted if: a) written notice is given to Council at least 1 week prior to work being done.	RUr.72.2 not applicable	RUr.72.3 Activities that contravene a permitted condition are discretionary.
RUr.73 Potential Quarries Overlay Building	RUr.73.1 Building within 450m of a Potential Quarry Overlay point shown on the Planning Maps is permitted if: a) the building is associated with quarry activities, and b) the building is not a residential unit.	RUr.73.2 not applicable	RUr.73.3 Activities that contravene a permitted condition are discretionary.
RUr.74 Flaxmore Quarry (Scheduled Site - Sch.Q)	RUr.74.1 Activities are permitted if: a) they comply with Schedule Sch.Q.	RUr.74.2 Schedule Sch.Q applies.	RUr.74.3 Schedule Sch.Q applies.
RUr.75 York Valley Quarry (Scheduled Site - Sch.R)	RUr.75.1 Activities are permitted if: a) they comply with Schedule Sch.R	RUr.75.2 Schedule Sch.R applies.	RUr.75.3 Schedule Sch.R applies.
RUr.76 Marsden Quarry (Scheduled Site - Sch.S)	RUr.76.1 Activities are permitted if: a) they comply with Schedule Sch.S.	RUr.76.2 Schedule Sch. S applies.	RUr.76.3 Schedule Sch.S applies.
RUr.77 Marsden Valley Small Holdings Area (Scheduled Site - Sch. T ₁ ^{PC13})	RUr.77.1 Activities are permitted if: a) they comply with Schedule Sch. T ₁ ^{PC13}	RUr.77.2 Schedule Sch. T ₁ ^{PC13} applies.	RUr.77.3 Schedule Sch. T ₁ ^{PC13} applies.
RUr.77A Marsden Hills (Scheduled Site – Sch. V) – refer to Residential Zone Chapter 7.	RUr.77A.1 Activities are permitted if: a) they comply with Schedule V.	RUr.77A.2 Schedule V applies.	RUr.77A.3 Schedule V applies.

^{PC13} Plan Change 13 (Marsden Valley)

Assessment Criteria	Explanation
RUr.68.4 - RUr.72.4 Refer to Assessment Criteria on preceding page	RUr.71.5 Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important. Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees. (note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.
RUr.73.4 a) the effects of the building on the activities of existing quarries. b) the effects of the building on future quarry activities. c) the efficient present and future extraction of the rock resource.	RUr.73.5 The Potential Quarries Overlay is the area surrounding the points identified on the Planning Maps where there is a significant rock resource suitable for quarrying. The rock resource is of great value to the community generally. New buildings are incompatible with quarries in that they cover the resource and make it physically more difficult to access. Residential units are especially incompatible with the effects of quarrying, including noise, vibration dust and the effects of heavy machinery and transport both on site and on nearby roads. It is likely that residents will find these effects unacceptable and this will tend to inhibit the utilisation of the rock resource. This Plan therefore limits the establishment of new residential units in the vicinity.
RUr.74.4 See Schedule Sch.Q.	RUr.74.5 See Schedule Sch.Q. The schedules for this Zone follow after the Rule Table
RUr.75.4 See Schedule Sch.R.	RUr.75.5 See Schedule Sch.R. The schedules for this Zone follow after the Rule Table.
RUr.76.4 See Schedule Sch.S.	RUr.76.5 See Schedule Sch.S. The schedules for this Zone follow after the Rule Table.
RUr.77.4 See Schedule Sch. T] ^{PC13}	RUr.77.5 See Schedule Sch.T] The schedules for this Zone follow after the Rule Table <u>Schedule I follows after the Residential Zone rule table (Chapter 7).</u> ^{PC13}
RUr.77A.4 See Schedule Sch. V.	RUr.77A.5 See Schedule V. Schedule V follows after the Residential Rule Table.

^{PC13} Plan Change 13 (Marsden Valley)

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.78 Subdivision General	RUr.78.1 Subdivision is not a permitted activity in this Zone.	RUr.78.2 Any subdivision is controlled, if: <ol style="list-style-type: none"> a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14 except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirements for other uses, and b) the land is not in a Coastal Environment, Conservation, or Natural Hazard Overlay, or does not contain a Heritage Overlay, as shown on the Planning Maps except in the case of lots created for access or network utility purposes as provided for in a) above, and c) the land is not part of a papakainga development as defined in Sch.P, and d) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), are created and vested in the Council, and e) the net area of every allotment is at least <ol style="list-style-type: none"> i) 15ha, except in the Small Holdings Areas, or ii) 3ha average lot size with a 2ha^{05/01} minimum lot size in the Lower Density Small Holdings Area, or iii) 1 ha average size with a 5000m² minimum size, except in <u>Marsden Valley Schedule I, Chapter 7</u>,^{PC13} Marsden Hills (Schedule V Chapter 7) and Ngawhatu where the minimum size is 2000m² (subject to provision of reticulated services), in the Higher Density Small Holdings Area provided that any allotment to be created complies in all respects with the requirements of Appendix 14 (design standards), or iv) no minimum in the case of allotments created solely for access or for a network utility, and f) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility, and g) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land. h) <u>In respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone.</u>^{PC13} Control reserved over: <ol style="list-style-type: none"> i) the matters contained in Appendix 14, and ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and within Marsden Hills High Density Rural Small Holdings zone (Schedule V, Chapter 7) and <u>Marsden Valley (Schedule I, Chapter 7) Rural Zone – Higher Density Small Holdings Areas</u> the design, utilization of clusters of development, with separated by open space separating clusters^{PC13}, rather than a design which allows dispersed development, and iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and v) riparian management, and vi) public access, and vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and viii) development of the subdivision and sites having regard to: <ol style="list-style-type: none"> a) appropriate vehicle access, and b) the siting of buildings, and c) provision of services, and ix) stormwater management, and x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and xi) financial contributions in accordance with Chapter 6, and xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose. xiii) <u>in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1.</u>^{PC13} 	RUr.78.3 Any subdivision that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if: <ol style="list-style-type: none"> a) it complies in all respects with all the standards relating to <u>water</u>, stormwater and sewerage in Appendix 14, and b) <u>it is not located in the rural zone or small holdings area between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle.</u>^{05/01} b) the net area of allotments is greater than 1ha in the Small Holdings Area except where lots have been created for the purpose of access or network utilities.^{05/01} <u>Any subdivision in the rural zone or low density small holdings area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> ^{05/01} Subdivision of land that is part of a papakainga development as defined in Sch.P is a prohibited activity.

Assessment Criteria	Explanation
<p>RUR.78.4</p> <p>a) the matters in Appendix 13 (engineering performance standards)</p> <p>b) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided.</p> <p>c) the extent of compliance with Appendices 10 to 12, and 14.</p> <p>d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services (where relevant).</p> <p>e) the extent of compliance with the design standards and construction requirements in the Council's Engineering Standards.</p> <p>f) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated.</p> <p>g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality and efficient use of infrastructure.</p> <p>h) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area.</p> <p>i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land.</p> <p>j) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation.</p> <p>k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction.</p> <p>l) financial contributions (see Chapter 6).</p> <p>m) the development potential of other adjacent land.</p> <p>n) the ground level required to avoid the effects of flooding.</p> <p>o) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</p> <p>p) effects on neighbouring properties, especially stormwater runoff.</p> <p>q) provision of adequate flow paths for surface flooding.</p> <p>r) the possibility of an overloaded public storm water system overflowing onto private property.</p> <p>s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land.</p> <p>t) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6 (riparian and coastal margin overlays), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>u) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2 – riparian or coastal areas with priority values) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment.</p> <p>v) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants.</p> <p>w) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants).</p> <p>x) the assessment matters in Table DO6.1 regarding the type of protection appropriate in given circumstances.</p> <p>y) Marine conservation values outlined in Appendix 4 (marine ASCV overlay).</p> <p>z) in Ngawhatu the extent of the provision of pedestrian linkages between Open Space areas, Residential and High Density Small Holdings neighbourhoods, and neighbouring land, to ensure over time pedestrian links connect up to the Barnicoat Walkway in accordance with the Outline Development Plan in Schedule E (see Residential zone). Pedestrian linkages should extend across the Ngawhatu area to connect into Marsden Valley in accordance with the Outline Development Plan in Schedule E.</p> <p>aa) in Ngawhatu Higher Density Small Holdings area, the extent to which the subdivision provides for small enclaves of development surrounded and/or separated by open space/landscaped areas separating enclaves.^{PC13}</p> <p>bb) In Marsden Hills (Schedule V, Chapter 7), Marsden Valley (Schedule I, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, the extent of the provision of pedestrian and cycle linkages between Open Space area, Residential and High Density Small Holdings neighbourhoods, and neighbouring land, to ensure over time pedestrian and/or cycleway links connect up to the Barnicoat Walkway and extending between and within the Ngawhatu, and Marsden Valleys, and Enner Glynn Valleys or as otherwise indicatively shown on Structure Plans or Outline Development Plans.^{PC13}</p> <p>cc) In the Marsden Hills (Schedule V), Marsden Valley (Schedule I) and Ngawhatu Higher Density Small Holdings Areas, the extent to which the subdivision design provides for small enclaves of development surrounded and/or separated by open space/landscaped areas separating enclaves.</p> <p>dd) In the Marsden Valley (Schedule I), the provision for walking and cycling linkages with adjacent areas, including public roads, residential zones and recreation areas.^{PC13}</p>	<p>RUR.78.5</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>In the case of a subdivision created only for access or for a network utility the plan provides that minimum lot sizes and requirements of access and services do not apply provided that the title of the lot records that it was created purely for access or for a network utility service and it may not comply with requirements for other uses.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the acquisition of esplanade reserves or strips unnecessary. In other cases a lesser width or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values).</p> <p>In the Small Holdings Area an average lot size of 3 ha with a minimum lot size of 2ha is provided for as a controlled activity. With the exception of lots created for access or solely for the provision of network utilities, lots of less than 1ha become a non-complying activity. For the Marsden Valley Small Holdings Area Schedule T applies.^{PC13}</p> <p>In Ngawhatu Higher Density Small Holdings area, the average lot size is 1ha with the minimum size 2000m². This area provides a transition between Standard Residential development and the Rural land beyond. The low minimum subdivision area enables discrete enclaves/clusters of development to be designed with large open space/landscaped area separating the enclaves. The extent of geotechnical constraints in the area will result in quite defined and separated enclaves of development.^{PC13}</p> <p>For the Marsden Hills Higher Density Small Holdings Area Schedule V (Chapter 7 Residential Zone) applies in addition to the zone rules. In Marsden Valley Schedule I (Chapter 7 Residential Zone)^{PC13} the Marsden Hills (Schedule V) and Ngawhatu Higher Density Small Holdings Area, the average lot size is 1 ha with the minimum size 2,000m². This area provides a transition between residential development and the rural land beyond, and with development sensitive to landscape values as it relates to the more elevated land below the Barnicoat Range. The low minimum subdivision area enables discrete enclaves/clusters of development to be designed with large open space/landscaped areas separating the enclaves. The extent of geotechnical constraints in the area will result in quite defined and separated enclaves of development.</p> <p>The papakainga provisions are included in the Plan in recognition of the special needs relating to land held in multiple ownership. Considerable flexibility from the normal density and other rules is provided in Sch.P. In order to avoid the papakainga provisions being used to get around normal density requirements in the Rural Zone, subdivision of land that is part of a papakainga development has been made a prohibited activity.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
Rules Relating to Overlays on Planning Maps			
RUr.79 Subdivision within the Coastal Environment Overlay	RUr.79.1 Not a permitted activity in this Overlay.	RUr.79.2 Subdivision is controlled if: <ol style="list-style-type: none"> a) it is undertaken to provide for an approved network utility structure, and b) the title of the lot created carries a notation that the lot was created to provide for a network utility structure and may not be suitable for the establishment of a residential unit. Control reserved over the matters of control contained in RUr.78.2 (subdivision).	RUr.79.3 Restricted Discretionary Activity An activity that contravenes a controlled standard is a restricted discretionary activity, if: <ol style="list-style-type: none"> a) It complies in all respects with the relevant standards in Appendices 10 to 12, and 14 except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirement for other uses; and b) The land is not part of a papakainga development as defined in Sch P; and c) Esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 are created and vested in the Council; and d) The net area of every allotment is at least: <ol style="list-style-type: none"> i) 15ha, except in the Small Holdings Areas; or ii) 3ha average lot size with a 2ha minimum lot size in the Lower Density Small Holdings Area, or iii) 1ha average size with a 5000 square metre minimum size in the Higher Density Small Holdings Area provided that any allotment to be created complies in all respects with the requirements of Appendix 14, or iv) no minimum in the case of allotments created solely for access or for a network utility, and e) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility. Discretion restricted to: <ol style="list-style-type: none"> i) allotment size; and ii) location of building sites; and iii) the location of boundaries in relation to natural features; and iv) landscaping; and v) design and appearance of structures; and vi) mitigation of visual effects of the subdivision and likely development on the coastal environment; and vii) the increased width, extent, type and location of esplanade reserves or strips; and viii) cumulative visual effects; and ix) measures to ensure protection of coastal water quality; and x) the development of property plans to facilitate integration of conservation and development; and xi) options for restoration or enhancement of coastal environment; and xii) protection of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes; and xiii) the matters listed under the heading "control reserved over" in RUr.78.2." Discretionary Activity Activities that contravene a standard for restricted discretionary activities are discretionary.

Assessment Criteria	Explanation
<p>RUr.80.4</p> <ul style="list-style-type: none"> a) the extent of compliance with the guidelines in Appendix 7 (guide for subdivision and structures in the landscape overlay) relating to subdivision. b) the likely effects of subdivision on the landscape character as described in Appendix 9 (landscape components and views) given likely patterns of development and use. c) the pattern of existing land holdings and uses. d) the positioning of any likely building platforms. e) mitigation measures designed to minimise impacts particularly on ridgelines. f) effects of any other overlay or hazard. g) any environmental compensation proposed. h) the assessment matters for RUr.78 (subdivision - general). i) Landscape analysis of neighbourhood creation and cluster development separated by open space and landscaped areas in subdivision design, particularly in the Higher Density Small Holdings Area of Marsden Hills (Schedule V, Chapter 7) and Ngawhātu, to avoid the appearance of continuous sprawl of development in the more elevated parts of the site. 	<p>RUr.80.5</p> <p>The Landscape Overlay areas are sensitive to development. This rule controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development.</p> <p>In the Ngawhātu Higher Density Small Holdings area, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</p> <p>In the Marsden Hills (Schedule V, Chapter 7) and Ngawhātu Higher Density Small Holdings Areas, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</p>
<p>RUr.81.4</p> <ul style="list-style-type: none"> a) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this b) any proposed mitigation measures to ensure that the values of the listed item is not compromised. c) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that there are only minor environmental effects, or are not contrary to the Plan in recognition of the public benefits of protecting an item. d) the assessment matters for RUr.78 (subdivision - general). 	<p>RUr.81.5</p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the land, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. The range of possible issues and solutions is too wide to be covered in a controlled activity rule.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p> <p>Heritage Overlay includes Archaeological Overlay. Refer to the definition of 'Heritage Overlay' in Chapter 2 (Meaning of Words). See also Policy DO4.1.11 (Incentive for Protection).</p>
<p>RUr.82.4</p> <ul style="list-style-type: none"> a) the extent to which the hazard can be avoided or mitigated. b) the likely pattern of use and development of any allotments created. c) the level of risk to which any future owners might be subjected. d) any mitigation measures proposed, including contingency measures such as alternative access. e) the assessment matters for RUr.78 (subdivision - general). 	<p>RUr.82.5</p> <p>Makes subdivision a discretionary activity where the land involved is subject to a natural hazard. The aim is to ensure that subdivision occurs in a way that hazards are avoided, or mitigated in an acceptable manner.</p>
<p>RUr.83.4</p> <ul style="list-style-type: none"> a) the effects on the values for which the area is listed given the likely pattern of land use following subdivision. b) any mitigation measures, such as formal protection, which are proposed. c) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that there are only minor environmental effects, or are not contrary to the Plan in recognition of the public benefits of protecting an item. d) any environmental compensation proposed. e) the assessment matters for RUr.78 (subdivision - general). 	<p>RUr.83.5</p> <p>Makes subdivision a discretionary activity to enable each application to be assessed on its merits, to ensure that the values which are placed on the area are not compromised by inappropriate subdivision and development.</p>

freshwater rules

Item	Permitted	Controlled	Discretionary/Non-complying
<p>FWr.1 Disturbance of river and lake beds, and wetlands</p> <p>[note that this rule is a regional rule]</p>	<p>FWr1.1</p> <p>a) The disturbance of beds associated with:</p> <p>i) the removal of vegetation and flood debris which has been deposited into or on the bed, including trees, or</p> <p>ii) the removal of pest plants and litter is permitted.</p> <p>b) The disturbance of the beds of rivers and lakes, and wetlands, for the purpose of:</p> <ul style="list-style-type: none"> - restoration or enhancement of natural in-stream or out-of-stream values, including fish passage, or - cleaning of discharge outlets and energy dissipaters, or - the use of vehicles in river beds (does not apply to vehicle crossings – see rule FWr.2) associated with lawfully established activities <p>is permitted if the following general conditions are met.</p> <p>General conditions</p> <p>i) the activity:</p> <ul style="list-style-type: none"> - shall not affect sediment levels or vegetation in all lower tidal reaches of waterbodies during the main spawning period of inanga (15 March to 31 May), and - shall not be carried out between 1 April and 15 August in all water bodies upstream of the tidal reach (which extends for a length 5 times the width of the river mouth) for the protection of koaro and kokopu species spawning habitat, unless ambient levels of sediment are returned within 48 hours of construction commencing within the waterbody, and - shall not be carried out during the trout spawning period (1 May to 30 September) in the Maitai, Brook, Whangamoia, Wakapuaka, Lud and Teal rivers and Poorman Stream, and <p>ii) there shall be no storage, mixing or refuelling of fuel, oil, paints, agrichemicals or other similar substances within the bed or within 5m of the banks of any flowing river, or any wetland, and</p> <p>iii) any activity associated with bed disturbance shall not, after reasonable mixing, give rise to any of the following effects in the receiving waters:</p> <ul style="list-style-type: none"> - the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or - any conspicuous change of colour or visual clarity, or - any emission of objectionable odour, or - any significant adverse effects on aquatic life, and <p>iv) the use of vehicles and machinery in the wetted bed shall be avoided where possible, and</p> <p>v) fish passage shall be maintained, both during construction and afterwards, and</p> <p>vi) any riparian areas which are disturbed are rehabilitated to the same state or better than that which existed prior to the disturbance, except for the direct approaches to the crossing, and</p> <p>vii) the bed disturbance activity shall not impede legal right to foot access to and along the waterbody, where it exists, unless public notice has been given in accordance with a health and safety plan.</p>	<p>FWr.1.2</p> <p>1. The disturbance of the bed of a river for the purpose of maintaining:</p> <p>a) peak flow capacity, or</p> <p>b) surrounding land stability, or</p> <p>c) public safety</p> <p>is a controlled activity if:</p> <p>i) the general conditions in Rule FWr.1.1 are met, and</p> <p>ii) any plantings are of native species or exotic species suitable to the conditions, and</p> <p>iii) any rocks used look similar to those naturally occurring in the area, and</p> <p>iv) the work is undertaken in such a way that habitats are maintained in the beds and margins of rivers and lakes.</p> <p>2. Control is reserved over the following matters:</p> <p>i) disturbance to riverbanks, and</p> <p>ii) the timing and duration of the activity, and</p> <p>iii) the method of undertaking the activity, and</p> <p>iv) the avoidance, remedying, or mitigation of adverse effects and any alternative options which would result in less adverse effects, and</p> <p>v) maintenance of existing structures including bridges within streams and roads adjacent to water bodies (margins).</p> <p>The application need not be notified, the written approval of affected parties will not be necessary and notice of applications need not be served on any person.</p>	<p>FWr.1.3</p> <p>Discretionary</p> <p>Activities that are not specified as permitted or controlled (including pipes and cables for network utilities), or which contravene the conditions for permitted or controlled activities, are discretionary.</p> <p>Non-complying</p> <p>Activities that disturb the bed of any wetland, other than as provided for as a permitted activity, are non-complying.</p>

Assessment Criteria	Explanation
<p>FWr:29.4</p> <ul style="list-style-type: none"> a) the proximity of the discharge to any adjacent properties, surface water, groundwater or coastal water and any actual or potential adverse effects of the discharge on water quality. b) the proximity of the discharge to other discharges of domestic wastewater and the potential for cumulative effects. c) the potential for the discharge to initiate instability or make existing instability worse. d) the extent to which the proposed on-site wastewater management system complies with the Australian/New Zealand for On-site Domestic Wastewater Management (AS/NZS 1547:2000). e) the soil characteristics of the site and surrounding area, including hydraulic capacity and ability to treat contaminants present within the domestic wastewater. f) the capacity of the treatment unit and the level of treatment. g) the rate and method of discharge. h) the size of the land application area and alternative locations for the land application area. i) the necessity for monitoring the performance of the on-site wastewater management system. j) the management and maintenance of the on-site wastewater management system, including the ability to access the system for maintenance purposes. k) cumulative effects relating to the proximity and number of other effluent fields in the area. l) size constraints including geology, topography, slope, lot size and shape, climate, and existing structures. m) the need for a reserve field. n) the way in which stormwater is managed on site and the potential for stormwater to impair the performance of the on-site wastewater management system. o) any odour. 	<p>FWr:29.5</p> <p>The rule requires measures such as a buffer to contain and trap any possible contaminants from effluent disposal fields.</p> <p>Compliance with the NZ standards for on-site domestic wastewater management will help ensure compliance with the above standards. NZ standards for on-site domestic wastewater management do not recommend the use of rubbish grinders with septic tank treatment units, nor account for their use in the design of on-site wastewater disposal systems. Therefore, Council may require evidence that the design of the effluent treatment disposal system takes into account the effects of a rubbish grinder, where one is proposed to be installed in any new building.</p> <p>Multi-lot subdivisions of 10 or more lots should install and manage a community effluent treatment system to avoid cumulative effects of numerous systems. It is also necessary that lots smaller than the minimum lot size prove they can absorb the effluent on-site or connect to a reticulated effluent treatment system.</p> <p>The following district wide policy is relevant to this rule: DO19.1.7 (effect of land use activities on surface water bodies).</p>

Schedule Rural Zone

Sch.I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone.^{PC13}

^{PC13} Plan Change 13 (Marsden Valley)

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Schedule Rural Zone

Sch.P Papakainga development

P.1 Application of the schedule

Papakainga development is provided for as a scheduled activity in the Rural Zone. No specific sites are shown on the Planning Maps. Any land that meets the criteria set out in the Rules is eligible for use as a papakainga (eg. if it is vested in Trustees, is not able to be on-sold, and so forth). Small papakainga developments are permitted activities if they comply with the permitted conditions. Larger developments are controlled activities, meaning a resource consent is required. This must be granted but conditions can be imposed on the consent. Where the criteria (conditions or standards and terms) cannot be met for a permitted or controlled activity, the development is discretionary. The Schedule relates to rule RUr.49.

P.2 General rule

For the purposes of this schedule, any reference to a boundary of a site in the Rural Zone rules is to be the boundary of the total land area subject to the papakainga development.

P.3 Permitted activities (less than 10 residential units, on 10 ha or more)

Papakainga development is permitted if:

- a) the land is held in multiple ownership and vested in a Trust, constituted under Part XII of Te Ture Whenua (Maori Land Act) 1993 or any other legislation with like effect, whose authority is defined in a Trust Order or other empowering instrument which will ensure that:
 - i) the land remains vested in the trustees or the incorporation without power of sale; and
 - ii) the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust; and
 - iii) the land is unable to be subdivided or otherwise removed from the effect of the trust, and
- b) a copy of the certificate of title, and the Trust Order or empowering instrument is provided to the Council at the time building consents are lodged, and
- c) there are not more than 10 residential units on the land concerned, or the gross floor area of buildings does not exceed 2500m², and
- d) the minimum site area is 10ha, and
- e) the development complies with the permitted conditions for the Rural Zone, except the rules RUr.33 (site coverage), and except that more than one residential unit is permitted per site.

Where the papakainga development does not comply with any of the above conditions, it is a discretionary activity.

P.4 Controlled activities

Papakainga development is controlled, if:

- a) the land is held in multiple ownership and vested in a Trust, constituted under Part XII of Te Ture Whenua (Maori Land Act) 1993 or legislation to like effect, whose authority is defined in a Trust Order or other empowering instrument which will ensure that:
 - i) the land remains vested in the trustees or the incorporation without power of sale, and
 - ii) the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust.
 - iii) the land is unable to be subdivided or otherwise removed from the effect of the trust, and

~~Sch.T Marsden Valley Small Holdings Area~~^{PC13}

~~T.1 Application of the Schedule~~

~~This schedule applies to the site shown as Sch.T on Planning Map 28, 31, 54 and 55 within Marsden Valley. The Schedule relates to rule RUr.77 and Figure 1 attached.~~

~~1.1. The scheduled area includes land in (parent) certificates of title 10D/929, 5D/1042, 1B/549, 92/214, 87/16, 8C/936, 94/92 and 7B/702 (as shown on Figure 1).~~

~~T.2 General Rules~~

- ~~a) The area subject to this schedule is defined in detail in Figure 1.~~
- ~~b) All rules and overlays in the Rural Zone apply except where these are varied below.~~
- ~~c) The stands of vegetation or individual trees shown in Figure 1, are listed in Appendix 2 of the Plan and the normal rules in relation to landscape trees shall apply.~~
- ~~d) Within the area between the Marsden Valley Road boundary and:
 - ~~i) the building set back line as defined in Figure 1, no buildings are permitted, and~~
 - ~~ii) Poormans Valley Stream, no buildings used for residential purposes are permitted, and~~~~
- ~~e) No more than two vehicle accesses to Marsden Valley Road shall be permitted from the land defined in T.2.d (i).~~
- ~~f) All boundary fences shall be of the post and wire type "farm fencing" design.~~
- ~~g) The erection of structures above the 210m contour is a Restricted Discretionary Activity. Applications shall be accompanied by a landscape assessment which addresses the matters set out in Appendix 7, section Ap7.4.2 (Structures in the Rural Zone).~~
- ~~h) The stands of trees shown as B and C on Figure 1 shall be protected by way of covenant at the time that the land on which the trees are located, is subdivided.~~

~~T.3 Permitted activities~~

~~All activities provided for in the Rural Rule table are permitted activities in the schedule area, and the rules of the Rural Zone shall apply subject to the variations set out in the General Rules (T.2 above) and in the following:~~

~~Variation to the Existing Rules for Permitted Activities:~~

Earthworks (RUr.27)	The provisions of RUr.27.1(a) apply (with the exception of (ii)). All other earthworks are Restricted Discretionary Activities.
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~~T.4 Controlled activities~~

- ~~a) Any activity that is a controlled activity under the Rural Rule Table, except where it relates to Rule RUr.27 (Earthworks) where the provisions set out in T.3 and T.5 apply, or~~

~~T.5 Subdivision~~

~~The General Rules set out at T.2 shall apply to subdivision proposals. The provisions of the Rural Rule Table shall also apply with the following exceptions:~~^{PC13}

^{PC13} Plan Change 13 (Marsden Valley)

T.4.1.1 Minimum Net Area (to apply in place of RUR78.2e)	2ha average lot size with a 1ha minimum lot size.
T.4.1.2 Roads	As in Table 14.1, Appendix 14, except that the following are required: a) One 1.1m wide footpath, and b) roadside swales or ditches, or an alternative method of stormwater disposal which shall be designed to Nelson City Council Engineering Standards,, and c) 17m wide minimum road reserve. (A proposal to vary the above requirements for roads is a Restricted Discretionary Activity).

~~T.5 Restricted Discretionary activities~~

- ~~a) Any activity that is a Restricted Discretionary activity under the Rural Rule Table, (except where it relates to Rule RUR.27 (Earthworks) where b) and c) below shall apply), or~~
- ~~b) Earthworks (other than as set out in RUR.27.1(a) i), iii) and iv)) where discretion shall be reserved over those matters listed in Rule RUR.27 (Earthworks)); or~~
- ~~c) Any proposal to vary the design of roads, as set out in T.4.1.2, Discretion reserved over:~~
- ~~i. Design and appearance, and~~
 - ~~ii. Ability to dispose of stormwater, and~~
 - ~~iii. Safety, and~~
 - ~~iv. Location, or~~
- ~~d) Any structure above the 210m contour shown on Figure 1, Discretion reserved over:~~
- ~~i. Location of building site, and~~
 - ~~ii. Design and appearance of the building, and~~
 - ~~iii. landscaping.~~

~~T.6 Discretionary Activities~~

~~Any activity that is a discretionary activity under the Rural Rule Table (except where specified in T.7 below).~~

~~T.7 Non Complying Activities~~

- ~~a) Any activity that is a Non Complying Activity under the Rural Rule Table, or~~
- ~~b) Any activity that contravenes General Rules T.2.d, T.2.e, T.2.f or T.2.h of this Schedule, or~~
- ~~c) Any subdivision of land within the area defined in T.2.d which contravenes the minimum net area in T.4.1.1, or~~
- ~~d) Any subdivision creating a lot smaller than 1ha.^{PC13}~~

^{PC13} Plan Change 13 (Marsden Valley)

T.8 Assessment Criteria

- ~~i) The extent to which the proposal complies with the concept in Figure 1 and promotes the special landscape qualities and rural character identified within Marsden Valley (refer *The Marsden Valley Landscape Study, NCC, February 2000*).~~
- ~~ii) The actual or potential effects of activities on the Valley environment, in particular the landscape values afforded by existing vegetation and natural landforms.~~
- ~~iii) The compatibility of adjoining activities and the potential to mitigate any cross-boundary effects through control over such matters as building location, landscaping and subdivision design.~~
- ~~iv) The proposed protection of significant vegetation and visual corridors, and any additional landscaping proposed, in order to maintain and enhance the special landscape amenity of the Valley.~~
- ~~v) The extent to which the site is subject to natural hazards.~~
- ~~vi) The matters in Appendix 13 (Engineering Performance Standards) except where specific alternatives are recommended in the Landscape Study.~~
- ~~vii) The extent of compliance with Appendices 10 to 12, and 14, except where specific alternatives are recommended in the Landscape Study.~~
- ~~viii) Effects on traffic, road network, access, stormwater management, water supply, sewage reticulation, and power and telecommunication services.~~
- ~~ix) The values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act, eg the comments made in the Landscape Study.~~
- ~~x) Financial contributions~~
- ~~xi) Any assessment criteria for other relevant rules referred to in this schedule under cross-reference to the Zone rule tables.~~

T.9 Explanation

~~The Marsden Valley Landscape Study (NCC, February 2000) noted that unrestricted built development in this part of Marsden Valley would be unacceptably conspicuous, resulting in the progressive erosion of its important rural character. The study suggested that to assist with the preservation of this character, the hills surrounding the valley should be restricted to low density subdivision and development, because of their high visibility. The provisions of this Schedule and the associated policies are designed to give special attention to maintaining the rural character of this part of Marsden Valley.~~

~~A building setback applies adjacent to the north-western side of Marsden Valley Road in an effort to preserve the “visual corridor” that the road provides along the valley floor. For similar reasons development is restricted on the land between Poormans Valley Stream and Marsden Valley Road. However to enable reasonable use of this land, the restriction applies only to the development of residential buildings.~~

~~Within the setback area, the number of accesses permitted is restricted to reduce the degree to which the existing landform will be modified, and development above the 210m contour is restricted to protect predominant ridgelines from inappropriate development.~~

~~Trees that particularly contribute to the rural character of the Valley are identified for protection either by way of covenant on new titles created by subdivision, or through rules in the Resource Management Plan.~~

~~Roads are required to be designed to accommodate higher density development than in other small holdings areas within the district, while at the same time recognising the unique rural setting. Alternative design for the accommodation of stormwater (eg. Through the use of roadside swales and drains) will soften the effects of this necessary infrastructure on the rural landscape.~~

~~Proposals that are unable to comply with the key parameters set in this Schedule are to be considered as Non Complying activities. This is in recognition of the considerable investigations and negotiations that have occurred as part of resolving the zoning of this land (which was settled by way of a reference to the Proposed Plan).^{PC13}~~

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Figure 4 of Schedule 7 PC13

Map Showing
features of Figure 1, Schedule T
(Marsden Valley Rural - Lower
Density Small Holdings Area)

KEY


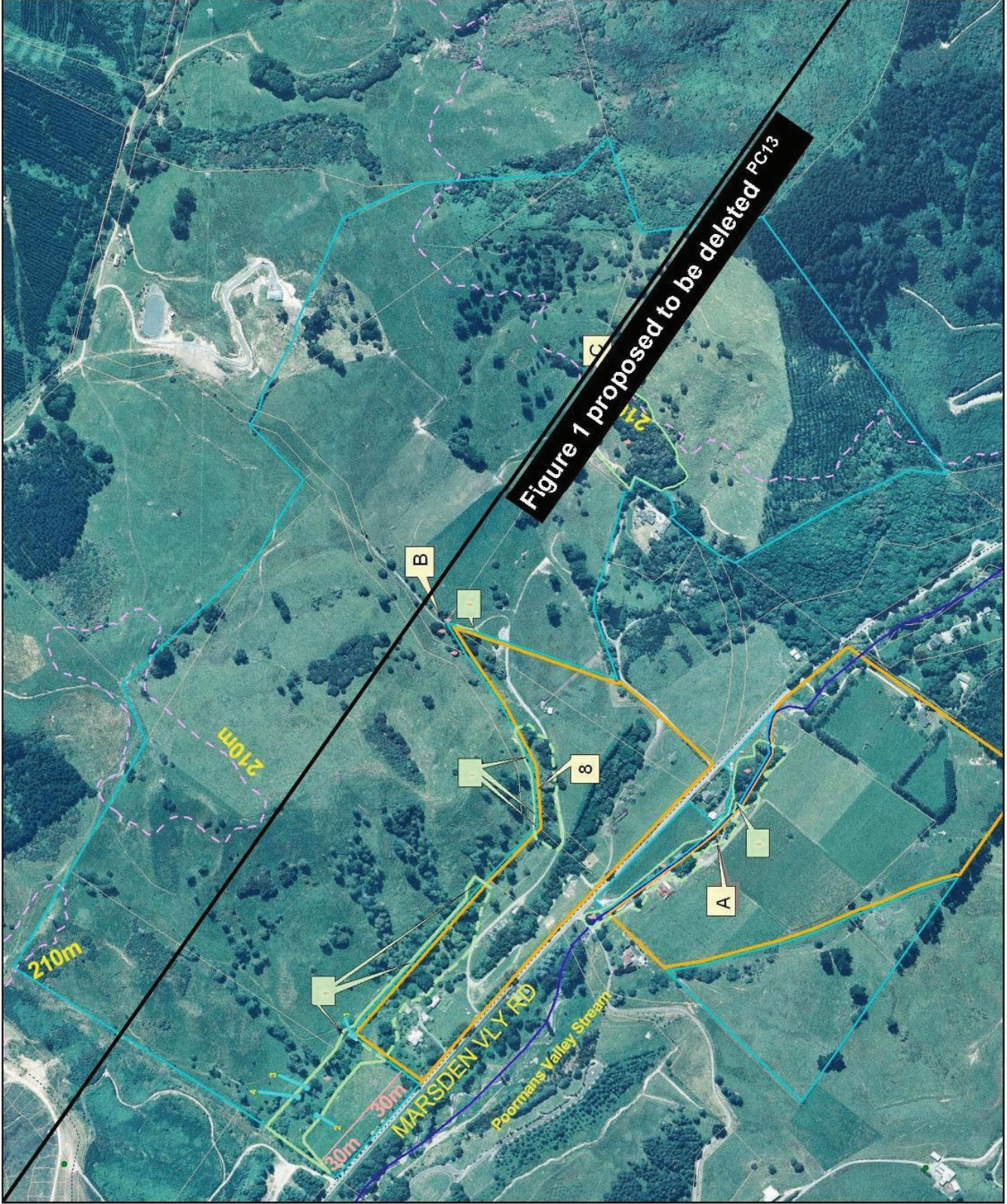
- Rural - Lower Density Small Holdings Area
- Overlays: Schedule Site T - Marsden Valley Cadastral Boundaries
- Stands of Vegetation or Trees Groups within Schedule T
- Stands of Vegetation or Trees Groups outside Schedule T (see Schedule I Residential Zone)
- ↑ Heritage and Landscape Trees - see Appendix 2
- 12 Individually Listed Landscape Trees (see Appendix 2)
- XXXX Individually Identified Stands of Vegetation or Trees
- Building Set Back
- 210m Contour Line

Location of Key Waterways

Note:
Heritage and Landscape Trees' is the way they are used in the planning process. On land outside the planning process, there is a single tree group of heritage or landscape trees on that property. Usually only a single symbol will appear in each allotment. However, more than one symbol may appear when a zone boundary crosses an allotment, to help clarify positions for both 'robby' shaped allotments.

Scale:
1:7680

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- CM3.2.vi The Council will work co-operatively with the Department of Conservation, iwi and other organisations to determine the best means of jointly or individually implementing the management recommendations relating to areas of significant conservation value contained in the report referred to in CM3.2.i.
- CM3.2.vii The Council will undertake, or encourage the Department of Conservation or others to undertake, any further studies that are necessary to identify or clarify the conservation values associated in the Coastal Marine Area.
- CM3.2.viii Identifying areas for priority action (in consultation with Department of Conservation) and taking action where Council is owner.
- CM3.2.ix Encouraging Department of Conservation to take action where at risk areas are in Crown ownership.

policy

CM3.3 riparian vegetation

Riparian vegetation along the coastline, particularly around the margins of estuaries, should be protected and enhanced.

Explanation and Reasons

CM3.3.i Riparian vegetation makes a significant contribution to the natural character of the Coastal Marine Area in terms of life support, nature conservation, visual amenity and water quality values. Marginal vegetation, including saltmarsh vegetation in the upper reaches of estuaries, provides important habitat for birdlife, a source of primary production for estuarine food chains and can assist with water quality maintenance by filtering out contaminants in run-off from the land. Enhancement programmes involving re-vegetation will give preference to indigenous species.

Methods

- CM3.3.ii Rules regulating activities.
- CM3.3.iii Rules setting aside esplanade reserves and strips.
- CM3.3.iv Education, land clearance controls, fire controls, fencing and the establishment of reserves.
- CM3.3.v Discourage activities which have detrimental effects on riparian vegetation, including vehicle use and grazing of the land/water interface.
- CM3.3.vi Encourage landowners, including Department of Conservation, to fence off areas of significant indigenous vegetation and the Council will consider providing assistance.
- CM3.3.vii Seek to prevent pest damage to significant natural areas or values within the coastal environment under the Regional Pest Management Strategy.

policy

CM3.4 marine protected areas

The possibility of establishing a network of marine protected areas should be researched, and the public consulted, and where appropriate established within the Coastal Marine Area.

Explanation and Reasons

CM3.4.i Marine protected areas is a generic term for marine areas that are protected under various pieces of legislation, in particular the Marine Reserves Act 1977, the Fisheries Act 1996, the Maori Fisheries Act 1989 and the Treaty of Waitangi (Treaty Claims) Act 1992. They include both fully protected areas where all marine life is totally protected and partially protected areas where limited forms of recreational or commercial fishing may take place. Council is generally supportive of the idea of establishing a network of marine protected areas within Tasman Bay because such action is potentially an important way of promoting the sustainable management of coastal resources (eg. by providing "safe havens" for the replenishment/dispersal of marine life) and implementing the protection-orientated policies of the New Zealand Coastal Policy Statement, eg NZCPS policy 1.1.2(c).

The issue of establishing a network of marine protected areas is best considered in a Tasman Bay context and, in that regard, is a cross-boundary issue between Nelson City Council and Tasman and Marlborough District Councils.

Method

- CM3.4.ii** Council will investigate, with the Department of Conservation, Tasman District Council, fishing interests, iwi and other interested parties, the possibility of establishing within Tasman Bay:
- a) a representative system of fully protected marine reserves
 - b) other appropriate marine protected areas

policy

CM3.5 vegetation and habitat rehabilitation

Opportunities to restore and rehabilitate vegetation and habitat values within the Coastal Marine Area should be identified and actioned where appropriate.

Explanation and Reasons

CM3.5.i The policy reflects a national priority (see policy 1.1.5 of the New Zealand Coastal Policy Statement). There are many areas of Nelson's Coastal Marine Area which have been substantially modified by development (eg. the eastern margins of Waimea Inlet and the margins of Nelson Haven). Opportunities to restore or rehabilitate degraded areas may arise during the preparation of plans and the consideration of resource consent applications.

Methods

- CM3.5.ii** Conditions on resource consents, requiring remediation, mitigation and financial contributions.
- CM3.5.iii** Grant money to projects to restore the natural character of parts of the coastal environment.
- CM3.5.iv** Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

objective

CM4 amenity values

The maintenance and enhancement of amenity values within the Coastal Marine Area.

Reasons

CM4.i The Act requires Council to have particular regard to the maintenance and enhancement of amenity values and to the quality of the environment. The objective is linked to the "lifestyle" aspirations of many Nelsonians and to tourism development. This objective is reinforced by the provisions of the New Zealand Coastal Policy Statement.

policy

CM4.1 activities affecting amenities

Activities within the Coastal Marine Area should avoid significant adverse effects on amenity values and public safety.

Explanation and Reasons

CM4.1.i The significance of effects will necessarily be determined on a proposal-by-proposal basis. Activities likely to have a significant adverse effect on the amenity values of these areas, or on public safety, will not be permitted. The RMA now requires that with any rule relating to the CMA in the Plan, where there is potential to adversely impact on the foreshore and seabed, a matter of assessment criteria should now include potential impact on historic heritage (refer Chapter 2 Meanings of Words for definition of 'historic heritage').