

# **rules residential zone**

## **REr Rules**

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

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

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

### **REr.2 Prohibited activities**

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

- a) Use, storage, or disposal of radioactive material with an activity exceeding 1000 terabecquerels.
- b) Erection of new residential units in the Tahunanui Core Slope Risk Overlay, which results in more than one residential unit on a site.
- c) Subdivision in the Tahunanui Core and the Tahunanui Fringe Slope Risk Overlays, except for boundary adjustments and for network utilities or public open space.
- d) New or relocated residential, school, hospital and other noise sensitive activities are prohibited inside the Air Noise Boundary.

### **REr.3 Permitted activities**

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A permitted activity is one that is allowed without a resource consent if it complies with the conditions specified in the “permitted” column of the Rule Table. In this Zone, permitted activities also include all land uses that are not specifically mentioned in the rules.

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

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

### **REr.4 Controlled activities**

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A resource consent is required for a controlled activity. (See Chapter 3 for a fuller description of controlled activities.) Controlled activities must comply with the standards and terms set out in the “controlled” column of the Rule Table. Consent will usually be granted for a controlled activity. Conditions may be imposed on the matters stated in the column as matters that control is reserved over. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule REr.8 below regarding further matters of control.)

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

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A resource consent is required for a discretionary activity. (See Chapter 3 for a fuller description of discretionary activities.) Discretionary activities must comply with the standards and terms set out in the “discretionary” column of the Rule Table. The Council has discretion to grant or refuse consent. The matters stated in the “assessment criteria” column of the Rule Table will guide assessment of effects and conditions, but do not restrict the Council’s discretion. Conditions of any type authorised by the Act (including financial contributions under Chapter 6) may be imposed on discretionary activities.

Some discretionary activity rules state that discretion is restricted. In these cases, the Council may refuse consent, or impose conditions only in respect of the matters stated in the discretionary column as matters that discretion control is restricted to. These matters are also relevant to the assessment of effects to be supplied by the applicant for a resource consent. (See rule REr.8 below regarding further matters of restricted discretion.)

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

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## **REr.6 Non-complying activities**

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

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## **REr.7 Scheduled sites**

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

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## **REr.8 Controlled activities and restricted discretionary activities**

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

Matters over which control is reserved or discretion restricted:

- REr.8.a** Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- REr.8.b** Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- REr.8.c** Administrative charges to be paid to the Council in respect of processing applications, administration, monitoring and supervision of resource consents, and for the carrying out of the Council’s functions under section 35 of the Act, and
- REr.8.d** The duration of a resource consent, under section 123 of the Act, and
- REr.8.e** Lapsing of a resource consent, under section 125 of the Act, and
- REr.8.f** Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- REr.8.g** Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- REr.8.h** Whether any land use or subdivision consent should attach to the land to which it relates, and be enjoyed by the owners and occupiers for the time being, under section 134 of the Act.

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## **REr.9 Regional rules, and regional and district rules**

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

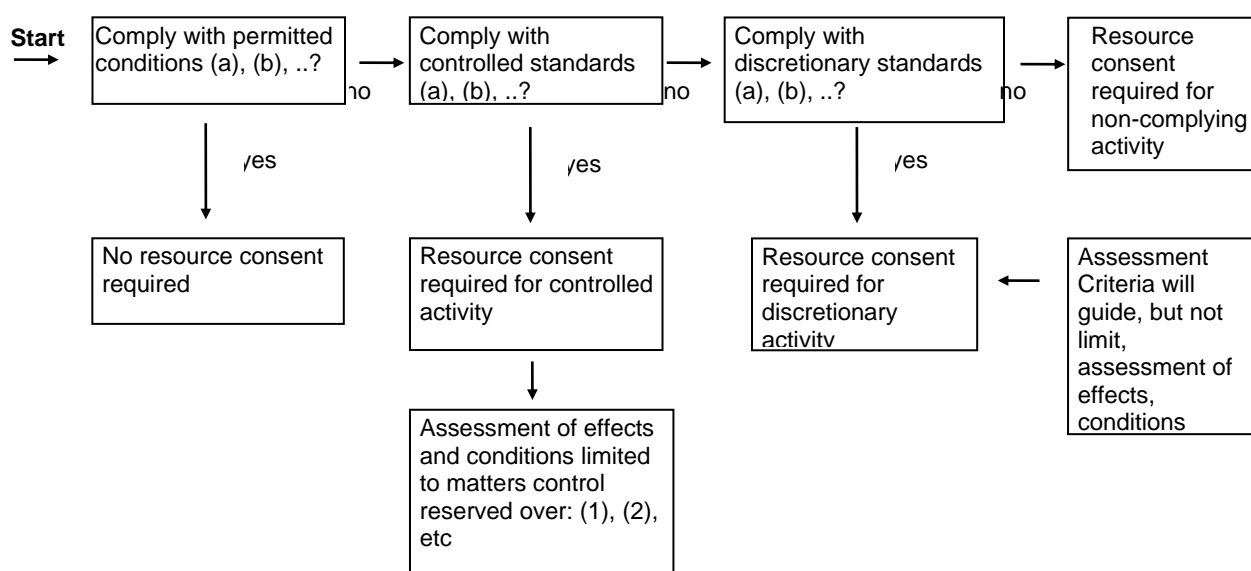
## RER.10 Reading the rule table

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

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

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

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



**RER.10.1** Note that there are some rules, generally relating to post-development conditions, which do not trigger the activity into requiring a discretionary resource consent. Where relevant, this is indicated in the explanation to those rules.

## Contents of residential zone rule table

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

## Contents of residential zone rule table continued

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



## rule table

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



## residential zone

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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.21 Home occupations</b>	<p>REr.21.1 Home occupations are permitted activities if:</p> <ul style="list-style-type: none"> <li>a) The principal use of the site is for residential activities, and</li> <li>b) At least one person carrying out the home occupation lives on the site, and</li> <li>c) Not more than one additional person (or the equivalent of a full time person) who does not live on the site is involved in the activity, and</li> <li>d) The activity is carried out in an unobtrusive manner, consistent with the amenity values of a residential neighbourhood, and</li> <li>e) No part of any home occupation activity (including storage or display of goods) is visible from any public place, and</li> <li>f) Clients' or suppliers' vehicles visiting the site as part of the home occupation activity are restricted to between the hours of 8am and 8pm, and</li> <li>g) There are no heavy vehicle movements to and from the site as part of the home occupation activity, and</li> <li>h) It does not involve any activity listed in Table 1 in the Explanation column of this Rule.</li> <li>i) Any electrical equipment operated on the site does not cause any electrical interference with any electrical or telecommunications device on adjacent properties.</li> </ul>	<p>REr.21.2 not applicable</p>	<p>REr.21.3 Activities that contravene a permitted condition (excluding condition d) are discretionary.</p>

Assessment Criteria	Explanation
REr.21.4 a) the extent to which the residential character and appearance of the property is maintained, and any adverse effects of the activity are avoided, mitigated, or reduced. b) the extent to which any adverse effects could be minimised by physical means such as landscaping or sound insulation or other special conditions. c) whether special conditions will be effective to avoid, mitigate, or remedy adverse effects (eg. Sound proofing negated by opening windows in hot weather), and the impacts of any negation. d) the adequacy of parking on the site to cater for the demands of the home occupation, particularly for rear sites and sites with shared access. e) any effects on the safety and efficiency of the road network. f) any cumulative effects from the activity or increase in the scale or intensity of the activity, whether on its own or in combination with other activities in the area.	REr.21.5 The rules aim to ensure that the scale, hours of operation, and the type of activity undertaken as home occupations maintain residential character, while still providing the flexibility for people to work from their homes. Table 1 provides a list of activities which are considered inherently unsuitable as home occupations because of their close association with the generation of adverse effects such as noise, dust and discharges, which are likely to cause a nuisance to neighbours and, for this reason should be avoided. It is not intended that non-compliance with condition d) will result in requiring a resource consent, because a judgement is involved in condition d). Condition d) is to be used for enforcement purposes, i.e. when the condition is not complied with, enforcement of the condition may be actioned. <b>Table 1: List of activities not permitted as home occupations.</b> a) boarding of dogs, cats or other animals. b) storage or sorting of any bottles, scrap or other waste materials. c) fish, meat or animal by-product processing. d) panel beating, vehicle wrecking, sheet metal work, automotive engineering such as engine reboring or crankshaft grinding, spray painting, boat, caravan or motor vehicle building, engineering involving equipment fabrication, or activities involving the use of composites based on synthetic resins.

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

Assessment Criteria	Explanation
REr.22.4 a) the degree the development achieves the outcomes in Appendix 22 'Comprehensive Housing Development'. b) any beneficial effects of the development in terms of: i) degree to which the design is sympathetic to the character of the neighbourhood and streetscape. ii) connectivity within and between streets and houses. iii) range of housing and section types. iv) extent to which energy efficiency is incorporated within the building design. v) efficient use of services and land. vi) promotion of public transport and reduction in total number of vehicle trips. vii) use of Crime Prevention Through Environmental Design (CPTED) techniques. c) any cumulative effects such that they significantly adversely affect the character and amenity of the zone (or density overlay area), having regard to such things as impressions of spaciousness, outlook, streetscape and presence of open space.	REr.22.5 A Comprehensive Housing Development is three or more residential units, where the buildings and any subdivision are designed together (see Chapter 2 for full definition). It is not desirable to write permitted standards to cater for Comprehensive Housing Developments as they are generally tailored to a particular site, and need to be considered on their merits on a case by case basis. A 'one size fits all' approach of a permitted activity rule can often deliver a poor quality result. Assessing such developments by the consent process is considered, in the end, to give the best outcomes, both to the developer and the environment. It allows the opportunity for innovation and flexibility, provided the development provides a high standard of on-site and off-site amenity. It also provides the opportunity to decline developments which do not achieve the standards sought in Appendix 22. The provisions contained in rules REr.23 'Minimum Site Area', and REr.24 'Site Coverage' do not apply to Comprehensive Housing Developments beyond being used to determine if a particular proposal under this rule is permitted or not. All assessment of these particular matters is to be carried out using the provisions of Appendix 22 'Comprehensive Housing Developments'. Comprehensive Housing Developments in a Residential Zone – Higher Density Area with consent requirements solely based on not meeting REr.23 'Minimum Site Area' or REr.24 'Site Coverage' (and associated subdivision) are provided for as non-notified restricted discretionary activities. Additionally, proposals which do not meet rules REr.25 'Front Yards', REr.26 'Other Yards', REr.35 'Daylight Admission' or REr.36 'Decks, Terraces, Verandahs and Balconies' on boundaries internal to the development will retain the non-notified restricted discretionary status. This signals that the Plan anticipates the Higher Density Area will provide for appropriately designed developments of this nature. The design and location of the development is a matter between the Council and the applicant, and will be assessed in accordance with Appendix 22. If rules other than those specifically provided for are breached then a resource consent is required under that rule and the activity status of that rule is applicable. For example a Comprehensive Housing Development in the Higher Density Area which breaches REr.35 'Daylight Admission' on an external boundary will be considered as a discretionary activity. Opportunity has been provided to convert two existing buildings at Ngawhatu known as Airdrie and Clovelly to apartment buildings if it proves technically and economically feasible. These buildings were part of an existing complex of buildings utilised for the delivery of health services. Unlike most of the more institutional style buildings, the architecture, appearance and location of these buildings offers some potential for conversion to apartments. The situation of these buildings is unique, as they are contained currently within a site which is largely undeveloped and largely in one ownership. Conversion of the buildings will have no impact on neighbours, as they do not exist in close proximity, and the location is not visible from public vantage points. A separate rule for these buildings is required as the provision under Rule REr.22.3 envisages new buildings. Note: Comprehensive Housing Development is not considered appropriate in the Airport or Port Effects Overlays. The plan seeks to minimise the number of residential units exposed to the noise from the airport and port.

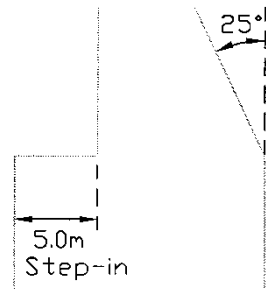
Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.23</b> <b>Minimum site area</b> <b>Lower Density Area</b> <b>Lower Density Area (Stoke)</b> <b>Higher Density Area</b> <b>Standard Density (Main Zone)</b>	<b>REr.23.1</b> a) The net area of a site exclusively allocated to each residential unit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

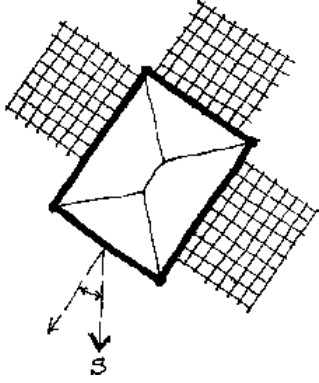
Assessment Criteria	Explanation
<p>REr.23.4 and REr.24.4</p> <p>Site Area and Site Coverage:</p> <ul style="list-style-type: none"> <li>a) the likely effect upon the character and amenity of the neighbourhood, including the dominance of buildings, having regard to the intended character of the area.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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>RER.25</b> <b>Front yards</b>	<p>RER.25.1</p> <p>Buildings in a front yard are permitted if:</p> <p>a) buildings are set back at least 1.5m from the road boundary, and</p> <p>b) any garage or accessory building located in a front yard is setback at least 1m further from the road boundary than the wall of the associated residential unit which is nearest to the same road boundary, and</p> <p>c) any garage, accessory building or extension to the principal building is compatible in design and colour scheme with the principal building on the site, and</p> <p>d) any length of wall longer than 5m and facing parallel (or within 25 degrees of parallel) to the road boundary contains a window and/or door, and</p> <p>e) at least 50% of the front yard is landscaped when fronting an Unclassified Road, or at least 30% when fronting a Classified Road, and</p> <p>f) a 85 percentile design vehicle can be located in front of the vehicle entrance of any garage in a manner that does not obstruct the passage of pedestrians and vehicles on legal road. (This provision does not apply to land between the garage and the road where the gradient is greater than 1 in 3.)</p>	<p>RER.25.2</p> <p>Not applicable</p>	<p>RER.25.3</p> <p>Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under Rule RER.22.3.</p> <p>All other buildings that contravene a permitted condition are restricted discretionary.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>i) location, design and appearance of the proposed buildings, landscaping and any fences, considering the impact on scale, character, streetscape values and open space, and</li> <li>ii) effects on public safety from changes to passive surveillance between public and private space , and</li> <li>iii) the relationship of the building to adjoining buildings, and other buildings in the vicinity in respect of visual and amenity values, and</li> <li>iv) the safety of pedestrians and vehicular traffic (parked and moving) in relation to the location of garages, manoeuvring area and access, and</li> <li>v) on site amenity for residents.</li> </ul> <p>Resource consent application for restricted discretionary activities will be considered without notification.</p>

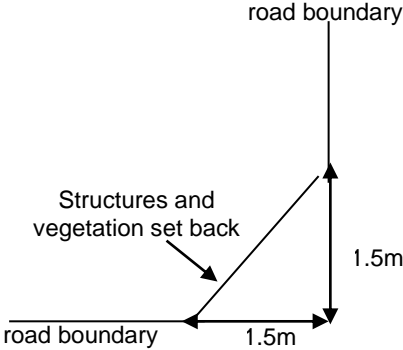


Assessment Criteria	Explanation
REr.25.4	REr.25.5
<ul style="list-style-type: none"> <li>a) the extent to which any breach of the front yard standards contributes to enhanced street amenity and safety, including maintaining a relationship between residential elements (windows, doors, porches) with the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

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

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

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

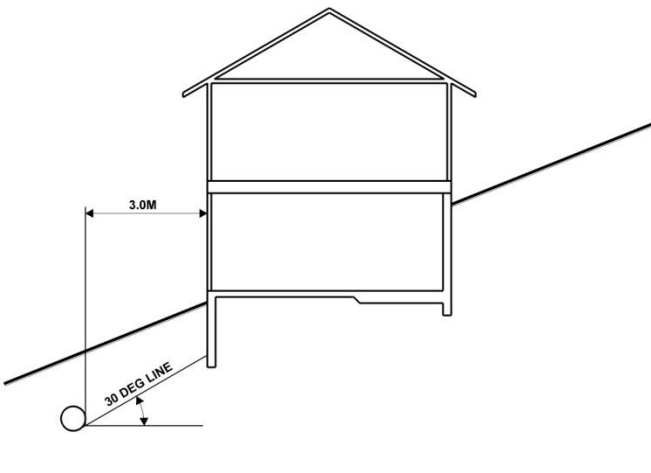
Assessment Criteria	Explanation
<p>REr.29.4</p> <p>a) any impacts on driver visibility, having regard to the width of the road, the configuration of the corner, lines of sight and the width of any unformed road reserve.</p> <p>b) any adverse effect on traffic visibility, affecting pedestrian and vehicle safety.</p> <p>c) the streetscape and the impact on scale, character and open space.</p> <p>d) constraints from existing development or unusual site shape or natural and physical features.</p>	<p>REr.29.5</p> <p>An extra setback for structures and vegetation on corner sites is included. This is to ensure adequate line of sight for vehicles at street intersections.</p> 

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

Assessment Criteria	Explanation
<p>REr.31.4</p> <ul style="list-style-type: none"> <li>a) the proportion of the front yard to be contained by the fence and whether the objectives of an open, high amenity, pleasant and safe streetscape can still be achieved, and</li> <li>b) the design and appearance of the fence (including physical dimensions), materials and colour of the fence and whether this provides a pleasant, human scaled streetscape, and</li> <li>c) whether any site specific circumstances exist that result in the need for a higher solid front fence for safety of the residential occupants and/or animals or to reduce noise effects from Classified Roads on residents, and</li> <li>d) the relationship of the fence with the dwelling, garage, and driveway on the site and the cumulative effects of those elements on the streetscape, and</li> <li>e) the degree to which landscaping between the fence and the road boundary mitigates the visual effects of solid fences, and</li> <li>f) the degree of surveillance when viewed from public spaces and the consistency with the outcomes sought in policy RE3.5 and DO13A.3.1 and</li> <li>g) the topography of the site and whether that mitigates the fence height encroachment effects on streetscape and/or reserve amenity, residential character and surveillance and safety.</li> </ul>	<p>REr.31.5</p> <p>The concept of open frontages onto roads, walkways and reserves is promoted. A sense of openness between residential properties and streets, reserves and walkways is required to maintain streetscape amenity, encourage a sense of community, provide opportunities for passive surveillance and improve safety in public spaces.</p> <p>The requirements of REr.31.1 a) to b) relate to the entire front yard i.e. the section of side boundaries that are within the front yard. In some circumstances multiple rules may apply, particularly where boundaries adjoin a reserve or walkway and are also within the front yard. On boundaries adjoining a walkway or reserve rule REr.31.1(c) applies rather than REr.31.1 (a or b).</p> <p>The rule provides for different degrees of height and visual permeability for classified and unclassified roads in recognition of the different function, traffic effects and privacy needs of the residents living in that street.</p> <p>Fences on boundaries between properties are limited in height to avoid having a dominant effect, keep them human scaled, and to maintain a level of openness while providing for privacy. Development, including front fences, should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i and RE3.5.</p> <p>Visually permeable for fences means the ability to clearly see through from the street to the front yard of the site, and is determined by a comparison of the solid portion of the fence structure against any gaps provided within the structure, or between fence structures.</p> <p>Notes:</p> <p>Refer to rules REr.29 corner sites, REr.40 Access and Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019, and REr.92 Heritage Precincts Front fences for other rules relating to fence heights or locations.</p> <p>Refer to the NCC Residential Street Frontage Guidelines.</p>
<p>REr.32.4</p> <ul style="list-style-type: none"> <li>a) the effect on streetscape and the general amenity values in the locality.</li> <li>b) the scale and bulk of the structure in relation to the street, the site and the locality.</li> <li>c) the extent to which landscaping, or greater than required building setback distances could mitigate the height.</li> <li>d) proximity of residential development on an adjoining site.</li> <li>e) any natural and physical constraints on the use of the site.</li> <li>f) whether the layout or topography of the site may reduce the adverse effects of a taller structure.</li> <li>g) the extent to which the proposed development will visually intrude or dominate an adjacent activity.</li> <li>h) the manner in which the proposed development might protect or enhance the amenities of the adjoining land.</li> <li>i) impacts on any significant views or landscapes in Appendix 9 (landscape components and views).</li> </ul>	<p>REr.32.5</p> <p>Building height is limited to a scale normally accepted in a residential area. The permitted standard allows 2 storey buildings.</p> <p>Allowing higher buildings within the Residential Zone requires greater scrutiny. Therefore, buildings over 7.5m or averaging over 7.5m on sloping ground are discretionary.</p> <p>This rule does not apply to Wakefield Quay Precinct – refer to Rule REr.84.</p> <p>Note: Airport Height Restrictions may also affect some properties, especially at Monaco - see Maps A3.1 and A3.2.</p>
<p>REr.33.4</p> <ul style="list-style-type: none"> <li>a) the exterior materials used, their condition and quality, including whether recladding may be required for the building to be brought up to an acceptable standard</li> <li>b) the period required for restoration work to be undertaken</li> <li>c) how prominent the site is to neighbours or from any public place</li> <li>d) whether bonds or covenants are required to enforce compliance with conditions.</li> </ul>	<p>REr.33.5</p> <p>Relocated buildings can be an efficient reuse of a valuable resource. However, in the residential zone, conditions are needed to ensure that the relocated building is promptly restored and blended into the site.</p> <p>There are no additional controls in the Plan on relocating older buildings into new residential subdivisions. If this is a concern to the developers of such subdivisions, then they should consider the use of private covenants on the title to restrict this.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.34 Building over or alongside drains (piped or open) and water mains</b>	<p>REr.34.1</p> <p>Structures 3metres or greater from a drain (piped or open) are a permitted activity.</p> <p>Structures closer than 3metres to a piped drain or watermain are permitted provided that:</p> <p>For drains or watermains less than or equal to 300mm diameter:</p> <p>a) any structure must be located no closer than 1metre measured horizontally from the near side of any public unsleeved water main or common private or public sewer or stormwater drain, or</p> <p>For drains or watermains greater than 300mm in diameter</p> <p>b) any structure must be located no closer than 1.5metre measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, or</p> <p>For drains 150mm or less in diameter</p> <p>c) any structure may be located within 1metre or directly over a common private or public drain if the diameter of the pipe is 150mm or less; providing that:</p> <p>i) The length of pipe or drain built over is no more than 6 meters in length; and</p> <p>ii) There are no changes in direction or junctions in the portion of the drain built over; and</p> <p>iii) The length of drain built over is relaid using a continuous length of pipe without joints, sleeved inside a 225mm diameter class 4 concrete pipe; and</p> <p>iv) There is a minimum 6metre clear length and 3metre clear width and 1.8metre clear height at one end of the sleeve to allow replacement of the pipe; and</p> <p>v) The pipes are not water mains or pressurised pipelines;</p> <p>and in all cases</p> <p>d) any structure may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8metres where the required pipe or drain is greater than 150mm in diameter or width; and</p> <p>e) any structure located within 3metres, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30 degrees from the horizontal from the invert (bottom) of the pipe or drain (or between 30 degrees and 45 degrees if the design has been certified by a suitably qualified engineer)(see diagram).</p>	<p>REr.34.2</p> <p>Structures:</p> <p>That contravene c) ii) to vi) only are controlled activities</p> <p>The matters of control are;</p> <p>a) Physical accessibility to the pipe, and</p> <p>b) The ground/floor type and design used to provide quick and easy removal to provide the ability to access the pipes for maintenance and repair, and</p> <p>c) The depth of concrete/permanent surface floor over the pipe, and</p> <p>d) Alternative locations for the pipe and methods of emplacement.</p>	<p>REr.34.3</p> <p>Buildings, swimming pools or fences within 3m of the top of bank of an open drain is a discretionary activity.</p> <p>All other activities are discretionary.</p>
<b>REr.35 Daylight admission</b>	<p>REr.35.1</p> <p>Buildings are permitted if:</p> <p>a) they comply with the requirements in Appendix 15.</p>	<p>REr.35.2</p> <p>not applicable</p>	<p>REr.35.3</p> <p>Comprehensive Housing Developments which do not comply with a permitted condition of this rule on boundaries internal to the development will be processed under rule REr.22.3.</p> <p>All other activities that contravene a permitted condition are discretionary.</p>



Assessment Criteria	Explanation
<p>REr.34.4</p> <ul style="list-style-type: none"> <li>a) the nature of the structure and whether access to the pipe or drain can be maintained</li> <li>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</li> <li>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</li> <li>d) The accessibility of the pipework or drain and the ease by which it could be extracted.</li> </ul>	<p>REr.34.5</p> <p>This rule applies to piped and open drains.</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or rains where off-site facilities are likely to be affected.</p> <p>Alternative techniques for ensuring access for maintenance and repair purposes may be considered on a case by case basis through the resource consent process.</p> <p>At the time that application is made for building consent, a request shall be made in writing to waive the rule relating to "Building over or alongside drains, pipes and water mains" where one of these Techniques is proposed to apply.</p> <p>Diagram referred to in REr.34.1a:</p> 
<p>REr.35.4</p> <ul style="list-style-type: none"> <li>a) the extent of any additional shading, having regard to the size of the shadow cast and the period of time an area is affected.</li> <li>b) the nature of activities or area affected.</li> <li>c) the effects of any shading on the public enjoyment and amenity of streets and public places.</li> </ul>	<p>REr.35.5</p> <p>The daylight/sunlight controls are set to allow, except where prevented by topography or other natural features, at least 1.5 hours of direct sunlight to every site around midday in mid-winter, or alternatively 2.75 hours of direct sunlight during the periods before 11am and after 1.45pm at mid-winter.</p>

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

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

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>REr.38 Parking</b>	REr.38.1 Parking and manoeuvring areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading).	Rule REr.38.2 has been deleted to give effect to Policy 11 of the National Policy Statement on Urban Development 2020	REr.38.3 Activities that contravene a permitted condition are discretionary.
<b>REr.39 Parking or storage of heavy vehicles</b>	REr.39.1 Maximum of 1 heavy vehicle parked or stored on site.	REr.39.2 not applicable	REr.39.3 Activities that contravene a permitted condition are discretionary.
<b>REr.40 Access</b>	REr.40.1 Vehicle access must be provided and maintained for each site (except for small unstaffed network utility buildings) in accordance with the standards set out in Appendix 11 and the mandatory matters in Chapter 4, section 4.10 of the Nelson Tasman Land Development Manual 2019. Where vehicle access is not required under this rule but voluntarily provided, all such access must be provided in accordance with Appendix 11 and mandatory matters in the Nelson Tasman Land Development Manual 2019 as listed above.	REr.40.2 not applicable	REr.40.3 Activities that contravene a permitted condition are discretionary.
<b>REr.41 Signs</b>	REr.41.1 Any sign must be designed and constructed in accordance with the specifications in Appendix 20 (signs and outdoor advertising).	REr.41.2 not applicable	REr.41.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
REr.38.4 Refer to Appendix 10	REr.38.5 Refer to Appendix 10
REr.39.4 a) the size of the site and the location in which the vehicle will be parked. b) the visual, shading, noise, and other effects of having the vehicle parked or stored on the site. c) where there is a shared vehicle access, the number of sites using the access and its width. d) the likely hours of use of the vehicle.	REr.39.5 Heavy vehicles parked on a site can reduce the residential amenity, and in particular cause problems with shared accesses. Heavy vehicles are often started early and left to idle for a period, or used until late in the evening. Both can cause problems with noise and fumes.
REr.40.4 Refer to Appendix 11	REr.40.5 Refer to Appendix 11 Small unstaffed network utility buildings (see Chapter 2: Meaning of Words) are exempt from this requirement as access is rarely required and therefore greater formation standards are not justified.
REr.41.4 See Appendix 20 (signs)	REr.41.5 See Appendix 20 (signs)

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

Assessment Criteria	Explanation
REr.42.4 a) the visual impacts from the street, neighbouring properties or any public area. b) the potential for contamination of the site and the surrounding environment. c) the distance that storage will occur from the nearest boundary, and the proposed methods of screening from neighbouring properties and from public view. d) the nature of the items being stored and the length of time that storage on the site is proposed.	REr.42.5 Outdoor storage, if not screened from the view of the public or neighbours, can have a major impact on the visual amenity of residential areas.
REr.43.4 a) the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause. b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units. c) whether the noise is likely to detract from the general environmental quality being proposed for the zone. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.	REr.43.5 The rule is to prevent unreasonable levels of noise affecting neighbouring properties. What is reasonable, needs to take account of the nature of the neighbourhood, the time of day or night, and whether it is a week day or weekend. Reasonableness may also relate to the duration or frequency of the event. Recurring noise may be more annoying than one off louder events. Temporary noise may also be tolerated more (within reason) than ongoing disturbance eg. noise associated with construction. As noise has a major influence on the amenity of an area, any proposal for noise in excess of the permitted standard will be assessed as a discretionary activity. NZS 6801:1991 is New Zealand Standard (Measurement of Sound). NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound) Note: this Rule does not apply to aircraft noise, port noise or off-site traffic noise.
REr.44.4 a) the location of the site in relation to residences or other noise sensitive activities. b) the proposed hours and regularity of use of the pad.	REr.44.5 Helicopter pads are considered an inappropriate use in residential areas, except for emergency, construction or military training purposes, and therefore have been made non-complying activities in all but those cases. Use of helicopters for emergency purposes includes emergency activities associated with Nelson Public Hospital on any part of its scheduled site, or any hospital providing accident and emergency services to the public.
REr.45.4 a) the duration, time, and the type of vibration, and the likely disturbance that may cause. b) the nature and location of nearby activities and the effects they may experience. c) whether the vibration is likely to detract from the general environmental quality and the amenity of any residential zone.	REr.45.5 Like noise, vibration can have a major impact on people's enjoyment of their property. This is particularly so for residential properties.

<b>Item</b>	<b>Permitted</b>	<b>Controlled</b>	<b>Discretionary/Non-complying</b>
<b>REr.46 Light spill</b>	REr.46.1 Artificial lighting is permitted if: the spill of light onto any other site does not exceed 3 lux (horizontal and vertical) measured at the boundary of the other site, and it does not create any light on roads which may distract traffic or interfere with any traffic aids or signals, or the light is a street light, navigation light or traffic signal;	REr.46.2 not applicable	REr.46.3 Activities that contravene a permitted condition are discretionary.
<b>REr.47 Hazardous substances use and storage</b>	REr.47.1 The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21 (hazardous substances).	REr.47.2 The use or storage of hazardous substances is a controlled activity if it complies with the standards and terms for controlled activities in Appendix 21.	REr.47.3 The use or storage of hazardous substances is a discretionary activity if it complies with the standards and terms for discretionary activities in Appendix 21.
<b>REr.48 Radioactive material</b>	REr.48.1 Permitted if: used for clocks, watches, and other instruments containing luminous material, smoke detectors, and ionisation and electron capture detectors for use in gas chromatography, or the radioactivity does not exceed 0.1 terabecquerel.	REr.48.2 not applicable	REr.48.3 Activities that contravene a permitted condition are discretionary, if the amount does not exceed 1 terabecquerel.



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

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

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

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

Assessment Criteria	Explanation
REr.50.4 a) the potential effects of any increase of radio frequency exposure on the health of persons near the facility. b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures. c) the location of the site, and any potential for shielding from exposures. d) any cumulative effects, particularly with regard to exposure to electromagnetic radiation from existing facilities in the area.	<p>REr.50.5 Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the "National Guidelines for Managing the Effects of Radiofrequency Transmitters" produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.51</b> <b>Buildings near transmission lines</b>	REr.51.1 Residential units, or education facilities (including any preschool or day care centre) must not be located within 20m of any existing above ground, or within 10m of any existing underground electricity transmission line with a capacity greater than or equal to 66kV.	REr.51.2 not applicable	REr.51.3 Activities that contravene a permitted condition are discretionary.
<b>REr.52</b> <b>Network utility - buildings</b>	REr.52.1 Any network utility building is permitted if: a) the building is directly part of a network utility, and b) the building is not, or does not contain, a substation, and c) the building does not exceed 36m <sup>2</sup> ground floor area, and 5m in height, and d) all parts of the site utilised by the network utility are landscaped, except those parts that are: i) associated with a building no greater than 15m <sup>2</sup> , or ii) occupied by structures, or iii) only utilised to the extent that they are occupied by overhead lines, or iv) utilised for parking, access or manoeuvring, and e) the building complies with the relevant standards in this table <b>except</b> Rule REr.24 (site coverage), Rule REr.25 (front yards), and Rule REr.32 (maximum building height).	REr.52.2 not applicable	REr.52.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>REr.51.4</p> <p>a) any potential or cumulative effects on health of persons from exposure to electro-magnetic fields from existing facilities in the area.</p> <p>b) any effects to and from structures and lines including noise, visual impact and physical risk.</p>	<p>REr.51.5</p> <p>A limited number of high voltage transmission lines traverse the Residential Zone. These locations are shown on the Planning Maps. A separation distance between lines and housing is appropriate for a range of reasons including physical aspects and possible long term health exposure risks which may affect some people living in close proximity to major lines. This reflects a precautionary approach to electromagnetic fields and other effects of major overhead transmission lines. The rule provides an opportunity for evaluation of such effects when new housing is proposed in proximity to these lines (see also REr.53 for new lines).</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
<b>REr.53</b> <b>Network utility - above ground and underground utilities</b>	REr.53.1 a) Any underground network utility is permitted except: i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and b) Any above ground network utility is not permitted except: i) maintenance and operation of existing utilities, or ii) small above ground parts of an underground utility (eg. Junction boxes), or iii) as explicitly provided for elsewhere in this rule table.	REr.53.2 not applicable	REr.53.3 Activities that contravene a permitted condition are discretionary.
<b>REr.54</b> <b>Minor Upgrading of Electricity Transmission Lines and Support Structures</b>	REr.54.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	REr.54.2 not applicable.	REr.54.3 Activities that contravene a permitted condition are discretionary.
<b>REr.55</b> <b>Structures on the road reserve</b>	REr.55.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m <sup>2</sup> floor area and 3.5m high, and c) they do not obstruct the carriageway or footpaths.	REr.55.2 not applicable	REr.55.3 Activities that contravene a permitted condition are discretionary.



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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.56</b> <b>Network utility - roads</b>	REr.56.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the mandatory matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019 are complied with.	REr.56.2 not applicable	REr.56.3 Activities that contravene a permitted condition are discretionary.
<b>REr.57</b> <b>Neighbourhood parks</b>	REr.57.1 Playgrounds, service buildings, informal recreation, galas, festivals, ceremonies and outdoor performances are permitted, if any structure (including a fence): a) does not exceed a height of 3m (for playground equipment), or 4.5 m for service buildings, and b) complies with the other rules in this Rule Table.	REr.57.2 not applicable	REr.57.3 Activities that contravene a permitted condition are discretionary.
<b>REr.58</b> <b>Building on low lying sites</b>	REr.58.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above, or ground level is raised and compacted to at least those levels, and i) in accordance with NZS 4431:1989 (Code of practice for earthfill or residential development) and ii) such that stormwater runoff from the site is not directed onto other sites, and that stormwater runoff from other sites is not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	REr.58 not applicable	REr.58.1 Buildings that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.

Assessment Criteria	Explanation
<p>REr.56.4</p> <ul style="list-style-type: none"> <li>a) the matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019.</li> <li>b) the noise and air emissions from the road, taking account of the nature of nearby activities.</li> <li>c) any implications for traffic and pedestrian safety, both positive and adverse.</li> <li>d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts.</li> <li>e) any impacts on communities eg. whether the road would divide a neighbourhood.</li> <li>f) any opportunities to provide views and vistas from the road.</li> </ul>	<p>REr.56.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>
<p>REr.57.4</p> <ul style="list-style-type: none"> <li>a) the compatibility of the structure with its surroundings and its appropriateness in the particular park.</li> <li>b) the nature of the adjacent land uses.</li> <li>c) privacy for adjacent land use activities.</li> <li>d) any effects on the outlook of the adjoining properties.</li> <li>e) any positive impacts in terms of recreational opportunities.</li> <li>f) any noise or other adverse effects associated with the activity.</li> <li>g) any landscaping or other site treatment proposed to deal with any adverse effects of the activity.</li> </ul>	<p>REr.57.5</p> <p>Neighbourhood parks are generally included in the Open Space and Recreation Zone. Many of these parks are created when land is subdivided, or when land is acquired to provide parks for the growing city. Prior to a Plan Change that would change the zoning to Open Space and Recreation, small neighbourhood parks are likely to be in the Residential Zone. It is therefore necessary to make some provision for neighbourhood parks in this zone especially where they have very little adverse impact, or enhance the amenity of the neighbourhood.</p>
<p>REr.58.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) Chapter 5, section 5.4.5 of the Nelson Tasman Land Development Manual 2019.</li> </ul>	<p>REr.58.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding. Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule REr.61 (earthworks) where a site is to be filled.</p> <p>A resource consent to erect a building or undertake major alterations within an inundation area does not remove the need to obtain a building consent under the provisions of the Building Act 2004.</p> <p>Where land is subject to a natural hazard, Section 72 of the Building Act 2004 applies.</p> <p>If the proposed building work does accelerate, worsen or create a natural hazard on that or any other property, the Building Consent Authority (the Council) can issue a building consent under section 72 of the Building Act. A building consent issued under Section 72 can not require the owner to take measures to protect the land or buildings from inundation but will be subject to a notation placed on the property/s title that the property may still be subject to a natural hazard.</p> <p>This low lying site rule does not apply within the Inundation Overlay - see REr.83 (inundation overlays).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>REr.59</b> <b>Vegetation clearance</b> [note – this rule is a regional and a district rule]</p> <p>Advisory Note: Notwithstanding any other rules in this plan, all plantation forestry activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2018 must comply with those regulations. Where there is conflict or duplication between a rule in this plan and those regulations, the regulations prevail.</p>	<p>REr.59.1 Vegetation clearance is a permitted activity if:</p> <p>a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays); except for the purpose of :</p> <p>i) forming or constructing a fire break, fence line, survey line, or</p> <p>ii) installing a utility service line across the river, or</p> <p>iii) for domestic garden activity, or</p> <p>iv) maintenance of State Highways, or</p> <p>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</p> <p>b) it does not take place within 20m of the coastal marine area, except maintenance of State Highways, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity, and</p> <p>c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metallised or built over, and</p> <p>e) After reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) After reasonable mixing there are no significant adverse effects on aquatic life, and</p> <p>g) there is no clearance of indigenous forest, and</p> <p>h) there is no clearance of vegetation within a Biodiversity Corridor (or area of greenspace shown in Schedule I) unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, or is vegetation clearance required for:</p> <p>i) the maintenance of State Highways, or</p> <p>ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</p> <p>iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) to land where there is no viable alternative access route available and provided the clearance is no more than required to permit the activity, or</p> <p>iv) the formation or maintenance of walkways or cycleways adjacent to, running along (subject to provisions of I.2 c and W.2 c), or crossing (more or less at right angles) a Biodiversity Corridor (or area of greenspace shown in Schedule I) and provided the clearance is no more than required to permit the activity.</p>	<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> <p>a) the vegetation to be cleared is not indigenous forest, or is plantation forest, and</p> <p>b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>c) all bare soil areas are , as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metallised or built over.</p> <p>Control reserved over:</p> <p>i) loss of topsoil, or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers, and</p> <p>iv) damage to instream habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) catchment water quality including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be cleared at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation.</p>	<p>REr.59.3 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 of 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 for any river, and</p> <p>xvii) the matters in Appendix 9 (landscape components and views), and</p> <p>xviii) the matters in Appendix 4 (marine ASCV overlay), and</p> <p>xix) effects on the values and function of any Biodiversity Corridor.</p>

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

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

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

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



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

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

Assessment Criteria	Explanation
<p>REr.61A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in REr.61A.3 provided that the application does not contravene a restricted discretionary condition.</p>	<p>REr.61A.5</p> <p>Landfill development and operation are discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses.</p> <p>Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical, or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potentially hazardous materials, and are more likely to be granted resource consent.</p> <p>Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>
<p>REr.62.4</p> <p>See Schedule Sch.A.</p>	<p>REr.62.5</p> <p>See Schedule Sch.A.</p> <p>The schedules for this zone follow after the Rule Table.</p> <p>Note: Whakatu Marae is scheduled in the Open Space and Recreation Zone.</p>
<p>REr.63.4</p> <p>a) the matters in the Nelson Tasman Land Development Manual 2019.</p> <p>b) whether the location of the building or development impedes the route and construction of any future road or utility services required to service the site or surrounding sites that have potential for residential development.</p> <p>c) whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route.</p> <p>d) whether the building can provide for on site servicing for the building in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29.</p> <p>e) the timing of the strategic planning programme for servicing sites within the district over the next 10 years.</p>	<p>REr.63.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing water supply, stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater, wastewater, water and roading networks in the City. Until that upgrading takes place, building in the Services Overlay will be restricted discretionary or discretionary.</p> <p>If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term Plan, the effects of this on the environment and the Long Term Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered.</p> <p>Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another, which has potential for residential development, is maintained. New buildings or extensions will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for residential development. The proposed road network will be updated through the Nelson Development Strategy and subsequent plan changes.</p> <p>Use of on site servicing within the Residential Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

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

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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.65 Airport Effects Control Overlay Acoustic insulation of buildings</b>	<p>REr.65.1 Within the Airport Effects Control Overlay construction, or substantial alteration of a building is permitted if:</p> <ul style="list-style-type: none"> <li>a) either, the bedrooms and living areas, where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 (acoustic insulation requirements), or</li> <li>b) the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design will reduce noise levels to at least 45 dBA inside the new or altered bedrooms and living areas (with the windows and doors shut).</li> </ul>	<p>REr.65.2 not applicable</p>	<p>REr.65.3 Activities that contravene a permitted condition are non-complying.</p>
<b>REr.65A Port Effects Control Overlay Acoustic insulation of buildings</b>	<p>REr.65A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if:</p> <ul style="list-style-type: none"> <li>a) the building is acoustically insulated to reduce noise levels to no greater than 40dBA <math>L_{dn}</math> inside any new or altered habitable space and has either ventilating windows open or minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and</li> <li>b) prior to the commencement of any construction or site works a certificate is obtained from a suitable qualified engineer to demonstrate that the building design complies with paragraph a) above, and</li> <li>c) the acoustic engineer provides certification that the finished construction/alteration complies with paragraph a) above.</li> </ul>	<p>REr.65A.2 not applicable</p>	<p>REr.65A.3 Activities that contravene a permitted condition are non-complying.</p>
<b>REr.66 Airport Effects Advisory Overlay</b>	<p>REr.66.1 Note: no special rules apply to this overlay which defines the area between the <math>L_{dn}</math> 55 and 60 dBA (10.9 and 34.6 Pasques) noise contours. The overlay is to advise that the areas will be subject to the effects of airport noise.</p>	<p>REr.66.2 not applicable</p>	<p>REr.66.3 not applicable</p>

Assessment Criteria	Explanation
<p>REr.65.4</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>REr.65.5</p> <p>The rule is based on the predicted exposure of the site area within the overlay to noise levels from the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise.</p> <p>The acoustic insulation standards in Appendix 19 (acoustic insulation requirements) provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.</p>
<p>REr.65A.4</p> <p>not applicable.</p>	<p>REr.65A.5</p> <p>The rule is based on the predicted exposure of the property to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the acoustic insulation of parts of buildings that are most likely to be sensitive to noise.</p> <p>In order to ensure that the standard is met, certification by a suitably qualified acoustic engineer is considered appropriate.</p>
<p>REr.66.4</p> <p>a) in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport noise.</p>	<p>REr.66.5</p> <p>The land between the Ldn 55-60 dBA (10.9 to 43.6 Pasques) noise contours is unlikely to be exposed to airport noise sufficient to require mandatory acoustic insulation. However it is likely to be subject to some noise nuisance. This provision may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.</p>





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



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

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

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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.73</b> <b>Fault Hazard Overlay</b>	REr.73.1 Erection, extension or alteration of a building within the Fault Hazard Overlay is permitted provided that: a) where a fault trace can be identified and precisely located by reference to the Council conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from that fault trace. b) no setback is required in the portion of the Fault Hazard Overlay between Seymour Avenue, and Cambria Street for any building used for residential purposes which are not more than 7.5m in height and designed for the permanent occupation of fewer than 20 persons.	REr.73.2 not applicable	REr.73.3 Activities that contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation measures. (The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.) Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Act.
<b>REr.74</b> <b>Tahunanui Slump Core Slope Risk Overlay</b> <b>Tahunanui Slump Fringe Slope Risk Overlay</b> <b>Storm and waste water</b>	REr.74.1 Within the Tahunanui Slump Core Slope Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay: a) driveways and vehicle standing areas must have an impervious seal, and b) stormwater from any roof, impermeable area or water storage area (including any swimming pool) must be piped into an approved stormwater system.	REr.74.2 not applicable	REr.74.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified geotechnical engineer or engineering geologist.)

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

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



Assessment Criteria	Explanation
REr.75.4 (Assessment Criteria for Rules REr.74 to REr.79)	REr.75.5 Excavations can potentially destabilise the hillside. So can placement of fill. Earthworks therefore require assessment via the resource consent process.
<ul style="list-style-type: none"> <li>a) geotechnical assessments should indicate the level of activity to which the area is subject (eg. superficial, tertiary etc - see table, p4 "Nelson City Council, Geotechnical Assessment - Tahunanui Slump, Nelson, December 1995"). They should also address the assessment matters in the rules below which are relevant to the consent application in question.</li> <li>b) the location of the site in relation to the slump.</li> <li>c) the risk to life, property and the environment posed by any hazard.</li> <li>d) in the fringe area, whether a geotechnical assessment can demonstrate that the property is not part of the active (core) slump, or is only partly within it. Consequently whether the proposed activity would be unaffected by the hazard, and would not in turn affect the hazard itself.</li> <li>e) irrespective of whether the activity is within the active slump, the extent to which it would worsen the risk posed by the natural hazard. The extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.</li> <li>f) where a geotechnical assessment concludes that erection of a permanent structure is not appropriate, whether a relocatable building may be a practical alternative on sites subject to high or potentially high rates of slope movement.</li> <li>g) the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard.</li> <li>h) in respect of earthworks, the assessment criteria set out in Rule REr.61 (earthworks).</li> <li>i) the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation.</li> <li>j) irrespective of whether the activity is directly affected by instability, the extent to which it would worsen the risk of instability on other sites eg. by discharge of stormwater, or changes in water flows.</li> <li>k) the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard.</li> <li>l) the nature of any fill and its effects on the stability of the site. the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated.</li> <li>m) the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated.</li> </ul>	REr.76.5 As with the placement of fill, other heavy material, including swimming pools, has the potential to destabilise the slump.
	REr.77.5 The Planning Maps show a fringe area to the slump (Tahunanui Fringe Slope Risk Overlay). This is where the edge of the slump has not been able to be precisely defined. It is also an area where, even if the site is shown to be outside the active slump, activities could have an influence on the slump. Activities within the fringe which require a resource consent application may be allowed if the applicant can demonstrate that the activity is on land that is outside the slump, or that it will not worsen conditions on the slump. The risks associated with the core part of the Tahunanui slump are known to be high. Therefore any increase in the density of residential dwellings is prohibited. See Subdivision Rules - Rule REr.112 (Tahunanui Slump Core Slope Risk Overlay, Tahunanui Slump Fringe Slope Risk Overlay: subdivision).

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

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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.82 Flood Path, Flood Overlays</b>	<p>REr.82.1 In any Flood Path or Flood Overlay, or any flood path specified in the Flood Path Table at the front of the Planning Maps (with the exception of subdivisions approved after October 25th 1996), the following are not permitted activities:</p> <ul style="list-style-type: none"> <li>a) erection or extension of any building or structure, except: <ul style="list-style-type: none"> <li>i) fences of post and wire, or post and mesh (minimum 100 x 150mm construction) within the Flood Overlay) , <u>and</u></li> <li>ii) underground network utility lines, and</li> <li>iii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or</li> </ul> </li> <li>b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).</li> </ul>	<p>REr.82.2 not applicable</p>	<p>REr.82.3 Activities that contravene a permitted condition are discretionary.</p>

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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.83</b> <b>Inundation Overlays</b> Low lying ground susceptible to localised stormwater ponding or tidal inundation	REr.83.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a) erection of any building or extension of the ground floor of the building by more than 20% (the restrictions in this clause do not apply where the ground level on the building site has been filled according to a resource consent granted since the date of notification of this Plan, and all floor levels are not less than 150mm above the approved ground level), or b) earthworks, (except those associated with installation or maintenance or an underground network utility where the profile of the land is not permanently altered), or c) a change in the use of any accessory building to involve human habitation.	REr.83.2 In any Inundation Overlay, erection of any building or extension of the ground floor of any building by more than 20%, or earthworks are controlled. Control reserved over: i) finished ground and floor levels, and ii) the nature of fill, its compaction and placement, and iii) the design of the building, and iv) stormwater management.	REr.83.3 Activities that contravene a permitted condition or a controlled standard are discretionary.

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

Item	Permitted	Controlled	Discretionary/Non-complying
<p>REr.84</p> <p><b>Wakefield Quay Precinct</b></p> <p>For alteration, demolition or removal of listed heritage buildings, or new buildings on the site of a heritage building, Rules REr.85 to REr.88 apply.</p>	<p>REr.84.1</p> <p>Construction or alteration of any building in the Wakefield Quay Precinct as shown on the Planning Maps is permitted if:</p> <p>a) either:</p> <p>i) the work is not visible from a road or public space within or adjoining the precinct, or</p> <p>ii) the work is redecoration, restoration or insignificant alteration of existing fabric or detailing and is carried out with materials similar to, or having the same appearance to those originally used, and</p> <p>b) no vegetation clearance occurs above the building height line as defined in Figure 1 of Appendix 23 (design guide and rules for Wakefield Quay).</p>	<p>REr.84.2</p> <p>not applicable</p>	<p>REr.84.3</p> <p><b>Restricted Discretionary Activity</b></p> <p>Activities that contravene a permitted standard are a restricted discretionary activity, if:</p> <p>a) the activity complies with rules A, B, C, D, E, F and G in Appendix 23 (design guide and rules for Wakefield Quay), and</p> <p>b) the activity complies with the Residential rules, except Rules REr.23 (minimum site area), REr.24 (site coverage), REr.25 (front yards), REr.27 (outdoor living court), REr.32 (maximum building height), REr.35 (daylight admission), and REr.36 (decks, terraces, verandahs and balconies).</p> <p>Discretion restricted to:</p> <p>i) building design and external appearance, and</p> <p>ii) size and location of outdoor living courts, and</p> <p>iii) landscaping, and</p> <p>iv) privacy between residential units (including outdoor living areas) and between adjoining sites, and</p> <p>v) the number, location, and width of vehicles crossings, and the direction of access and egress to and from these.</p> <p>Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p> <p><b>Discretionary Activity</b></p> <p>Activities that contravene a standard for the restricted discretionary activity are discretionary.</p>



Assessment Criteria	Explanation
<p>REr.84.4</p> <p>a) compliance with the design guide and rules for Wakefield Quay (Appendix 23).</p> <p>b) in the case of a discretionary activity application, where applicable the assessment criteria for the relevant rule which is contravened will apply, in addition to the Design Guide and rules for Wakefield Quay.</p>	<p>REr.84.5</p> <p>The Wakefield Quay precinct has been identified on the Planning Maps as an area with special qualities that need protection. It is not a heritage precinct, but it does contain a number of listed Heritage Buildings. It is also recognised that the area is suited to multi-level development if it is done in such a way as to protect these qualities.</p> <p>If the standards and terms set out in the discretionary column are met, the design, appearance, and layout of any redevelopment in the area is a restricted discretionary activity, and will be assessed against the design guide and rules for the area.</p> <p>If the standards and terms are not met (eg. the proposal is overheight, or daylight angles are not complied with), then the application is fully discretionary.</p> <p><b>Note that for alteration, demolition or removal of listed heritage buildings, rules REr.85 to 88 apply.</b></p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.85</b> <b>Heritage Buildings, Places and Objects</b> Alterations to Group A and B items	REr.85.1 Alteration to any Group A or B building, place or object listed in Appendix 1 (heritage buildings, places and objects) is permitted, if: a) either: the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing , and i) it is carried out to the same scale as the original, including window scale, and with materials and details similar to, or having the same appearance to those originally used, or b) the work is on the interior of a building or its site surrounds (unless otherwise specified in Appendix 1 in which case (a) also applies).	REr.85.2 not applicable	REr.85.3 Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with a condition for a permitted activity is discretionary. Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion restricted to: i) design and appearance. Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.
<b>REr.86</b> <b>Heritage Buildings, Places and Objects</b> New buildings on the site of a heritage item	REr.86.1 Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.	REr.86.2 Erection of a new building on the site of a Group A or Group B heritage item is a controlled activity. Control reserved over: i) design and appearance in relation to existing heritage item, and ii) distance of new building from, and location and relationship to existing heritage item.	REr.86.3 not applicable

Assessment Criteria	Explanation
<p>REr.85.4</p> <ul style="list-style-type: none"> <li>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li>b) the extent to which the item has particular value because of the scarcity of heritage buildings, places or objects in the area, or because it forms part of a precinct of heritage buildings.</li> <li>c) the effect of the proposed alterations or additions on the integrity of the original heritage building or object, taking account of the scale of additions to the heritage building and the extent of loss (if any) of material of heritage significance and how visible the change will be.</li> <li>d) the degree to which the addition or alteration is compatible with the heritage building, place or object, and whether the alteration or addition, is clearly distinguishable from the original as new work.</li> <li>e) the ability of the applicant to develop or use the site without the alteration, and the economic effects of this.</li> <li>f) whether the heritage value of the building, place or object has altered since the item was listed in the plan.</li> <li>g) any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole.</li> <li>h) the matters in the Design Guide and Rules for Wakefield Quay (Appendix 23) where appropriate.</li> </ul>	<p>REr.85.5</p> <p>The rules provide three levels of protection depending on the categorisation of the heritage building, place or object.</p> <p>Minor maintenance is allowed for Group A and B items. More major work requires a resource consent to ensure the work is compatible with the heritage feature being protected. For Group B items discretion is restricted to the design and appearance of the alteration. See separate rules for heritage precincts.</p> <p>Note: Buildings must comply with the general rules on bulk and location.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p>REr.86.4</p> <ul style="list-style-type: none"> <li>a) the effect of the proposed new building on the integrity of the original heritage building or object, taking account of how visible the change will be.</li> <li>b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used.</li> <li>c) the location of the new building in relation to the heritage building or object and whether it dominates or detracts from the heritage building or object.</li> </ul>	<p>REr.86.5</p> <p>This rule ensures that new buildings on the site of an existing heritage building, place or object are compatible with the existing heritage item. Distance from the heritage item is an important consideration, particularly where the proposed new building is in very close proximity to the heritage item. See separate rules for Heritage Precincts.</p>

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

Assessment Criteria	Explanation
<p>REr.87.4</p> <ul style="list-style-type: none"> <li>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li>b) the extent to which the building has particular value because of the scarcity of heritage buildings in the area, or because it forms part of a precinct of heritage buildings.</li> <li>c) for removal, the degree of heritage loss due to the association of the building with the present site and the physical extent of relocation.</li> <li>d) the location a building or object is to be moved to, having regard to whether this yields a net environmental gain (eg. the new site is more accessible or visible), and whether the item is to be protected or covenanted on its new site.</li> <li>e) whether part of the building, place or object can be kept, while still maintaining to a reasonable degree, the features for which the item was listed.</li> <li>f) the ability of the applicant to economically develop or use the site without demolition, alteration or removal.</li> <li>g) the nature of any activity that is proposed to occur on the site, including the design and appearance of any replacement building or object.</li> <li>h) whether the heritage value of the building, place or object has altered since the item was listed in the Plan.</li> <li>i) any immediate or cumulative effects of the loss or removal of the listed building, place or object on the range, number, and quality of heritage features in the vicinity and the city as a whole.</li> </ul>	<p>REr.87.5</p> <p>Group A buildings, places and objects are the premier heritage items in the District. Their removal or demolition therefore is a non-complying activity under the Plan. A lower threshold can be applied to Group B items, while recognising that their retention is still important.</p> <p>Buildings and objects may have different strengths of association with their site and situation. Relocation on the same site or to an adjoining site may have limited adverse effects, while relocation to a site further away will have a greater adverse effect.</p>
<p>REr.88.4</p> <ul style="list-style-type: none"> <li>a) whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.</li> </ul>	<p>REr.88.5</p> <p>The requirement for 2 months notice for Group C items allows time for photographic or other records to be made of the heritage building or item prior to it being demolished (the Council will maintain such records and archival material). It also provides the opportunity for interested parties to negotiate <b>voluntary</b> protection of the heritage item. This might include purchase or some other arrangement to the satisfaction of the property owner.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.89</b> <b>Heritage Precincts</b> Alterations to any building (including listed Heritage Buildings)	<b>REr.89.1</b> Alteration to any part of a building, visible from a road or public space within or adjoining a heritage precinct, is permitted, if: a) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and b) it is carried out to the same scale as the original, including window scale, and with materials and details similar to, or having the same appearance to those originally used.	<b>REr.89.2</b> not applicable	<b>REr.89.3</b> Alteration to any part of a building is a restricted discretionary activity, if: a) it is visible from a road or public space within or adjoining a heritage precinct, and b) the alteration contravenes a permitted condition in this rule, and c) it complies with all other Residential rules, except rules REr.23 (minimum site area), REr.32 (maximum building height) and REr.38 (parking). Discretion restricted to: i) the design and external appearance of the building (including garages), and ii) building height, and iii) degree of coverage of the front yard, and iv) minimum site area required per residential unit, and v) the location of parking and garaging Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.
<b>REr.90</b> <b>Heritage Precincts</b> Erection of new buildings	<b>REr.90.1</b> Erection of new buildings is not a permitted activity within a heritage precinct.	<b>REr.90.2</b> not applicable	<b>REr.90.3</b> Erection of any new building is a restricted discretionary activity provided it complies with all other Residential rules except rules REr.23 (minimum site area), REr.32 (maximum building height) and REr.38 (parking). Discretion restricted to: i) the design and external appearance of the parts of the building (including garages) visible from a road or public space within or adjoining a heritage precinct, and ii) building height, and iii) degree of coverage of the front yard (within 4 m of the road boundary), and iv) minimum site area required per residential unit, and v) the location of parking and garaging. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.

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

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



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

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

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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.95</b> <b>Heritage and Landscape Trees</b> Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2	<b>REr.95.1</b> Activities within the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if: a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and b) it does not involve compaction, sealing, removal or addition of soil, and c) there is no discharge of a toxic substance, and d) there is no excavation or construction of structures. except where the tree is on Road Reserve, where activities are permitted if: i) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and ii) sealing is within the existing formed carriageway or footpath.	<b>REr.95.2</b> Activities within the root protection zone of Landscape or Heritage Trees on Road Reserve that contravene a permitted condition are controlled.  Control reserved over: i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and ii) remedial measures. Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.	<b>REr.95.3</b> Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.
<b>REr.96</b> <b>Heritage and Landscape Trees</b> Removing or destroying a Heritage or Landscape Tree identified in Appendix 2	<b>REr.96.1</b> Removing or destroying a Heritage or Landscape Tree is not a permitted activity.	<b>REr.96.2</b> not applicable	<b>REr.96.3</b> Landscape Trees removing or destroying a Landscape Tree is a discretionary activity.  Heritage Trees removing or destroying a Heritage Tree is a non-complying activity.
<b>REr.97</b> <b>Local trees</b> Removing a Local Tree identified in Appendix 2	<b>REr.97.1</b> Removing a Local Tree is permitted if: a) written notice is given to Council at least 1 week prior to work being done.	<b>REr.97.2</b> not applicable	<b>REr.97.3</b> Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
	<p>REr.95.5 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 Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important. Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape trees. (note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p>
	<p>REr.97.5 Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>

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

Assessment Criteria	Explanation
REr.98.4 a) the nature, form and extent of the proposed activity and its effects on the site. b) the impacts on the integrity or heritage value of the site. c) the findings of an archaeological survey of the area surrounding the site commissioned by the applicant, and carried out by a person suitably competent in archaeological survey. d) where the application relates to a Maori archaeological site, the response of the tangata whenua. e) if the site is to be modified, whether there is sufficient time and expertise to record the site. f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site.	REr.98.5 Archaeological sites are sites of human activity before 1900. In this Plan the majority are Maori sites, with most non-Maori sites being on the Heritage Buildings, Places and Objects list (Appendix 1). The archaeological sites identified on the Planning Maps are from the registers of the Historic Places Trust and the NZ Archaeological Association. A resource consent is required where written advice is not available that the site will be unaffected. This allows examination of the extent of the site, and how the proposed activity could affect the values associated with the site. Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified. This applies to archaeological sites uncovered accidentally. Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority. In the case of accidental discovery, the relevant iwi should be contacted immediately so that they can decide what action should be taken. In addition, the Historic Places Trust should be notified.
REr.99.4 See Schedule Sch.B.	REr.99.5 See Schedule Sch.B. The schedules for this zone follow after the Rule Table.
REr.100.4 See Schedule Sch.C.	REr.100.5 See Schedule Sch.C. The schedules for this zone follow after the Rule Table.
REr.101.4 See Schedule Sch.D.	REr.101.5 See Schedule Sch.D. The schedules for this zone follow after the Rule Table.
REr.102.4 See Schedule Sch.E.	REr.102.5 See Schedule Sch.E. The schedules for this zone follow after the Rule Table.
REr.103.4 See Schedule Sch.F.	REr.103.5 See Schedule Sch.F. The schedules for this zone follow after the Rule Table.
REr.104.4 See Schedule Sch.G.	REr.104.5 See Schedule Sch.G. The schedules for this zone follow after the Rule Table.
REr.105.4 See Schedule Sch H.	REr.105.5 See Schedule Sch H. The schedules for this zone follow after the Rule Table.
REr.106.4 Schedule Sch.I applies.	REr.106.5 Schedule Sch.I applies. The schedules for this zone follow after the Rule Table
REr.106A.4 Schedule Sch. U applies.	REr.106A.5 Schedule Sch. U applies. The schedules for this zone follow after the Rule Table
REr.106B.4 Schedule Sch. V applies	REr.106B.5 Schedule Sch. V applies. The schedules for this zone follow after the Rule Table
REr.106C.4 Schedule W applies	REr.106C.5 Schedule W applies This schedule is found in Chapter 12 Rural Zone.

## subdivision rules

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.107</b> <b>Subdivision</b> General (except for subdivision located in the Services, Natural Hazard, Landscape or Heritage Overlays)	REr.107.1 Not a permitted activity	REr.107.2 Subdivision not located in the Services, Natural Hazard, Landscape or Heritage Overlays (excluding Wakefield Quay) shown on the Planning Maps is controlled, if: <ul style="list-style-type: none"> <li>a) it complies in all respects with all the relevant standards in Appendices 10 to 12 and</li> <li>b) it complies with the mandatory matters in the Nelson Tasman Land Development Manual 2019, and</li> <li>c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and</li> <li>d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, and</li> <li>e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, and</li> <li>f) the net area of every allotment is at least:               <ul style="list-style-type: none"> <li>Lower Density Area: 600m<sup>2</sup></li> <li>Port Effects Control Overlay: 600m<sup>2</sup></li> <li>Airport Effects Control Overlay 600m<sup>2</sup></li> <li>Lower Density Area (Stoke): 1,000m<sup>2</sup> average with a minimum of 850m<sup>2</sup></li> <li>Higher Density Area: 300m<sup>2</sup></li> <li>Remainder of Zone 400m<sup>2</sup></li> </ul>               except for allotments created solely for access or utility services, and             </li> <li>g) a rectangle, measuring 15m by 18m, is capable of being located within the boundaries of any allotment, that is clear of any right of way, or road widening designation, and on a front site, part of which is within 5m of the road boundary, except for allotments created solely for access or utility services, and</li> <li>h) any existing buildings comply with the conditions for permitted activities, or a resource consent, and</li> <li>i) for any allotment with frontage to the eastern side of Main Road Stoke, from Saxton Road East to the Suburban Commercial Zone by Ardilea Avenue, a 6m wide landscaped strip adjoining the boundary of Main Road Stoke, planted to the satisfaction of the Manager of Parks and Recreation, is established and vested in the Council, and</li> <li>j) in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally accords with the Structure Plan or as otherwise specified by the Schedule.</li> </ul> <p><i>Continued overleaf...</i></p>	REr.107.3 Subdivision not located in the Services, Natural Hazard, Landscape or Heritage Overlays (excluding Wakefield Quay) shown on the Planning Maps that contravenes a controlled standard is a restricted discretionary if: <ul style="list-style-type: none"> <li>a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</li> <li>b) it complies with controlled activity terms REr.107.2 b) to h), and</li> <li>c) in relation to Comprehensive Housing Developments compliance with REr.107.2 f) is not required provided it meets the restricted discretionary standards and terms of rule REr.22.3</li> </ul> Discretion is restricted to: <ul style="list-style-type: none"> <li>i) the matters of control under REr.107.2, and</li> <li>ii) the ability of the subdivision, as expressed in the design statement, contextual analysis and preliminary infrastructure design to demonstrate the urban design outcomes sought, and</li> <li>iii) the matters in the Nelson Tasman Land Development Manual 2019</li> <li>iv) the matters in Appendices 10 to 12 of the Plan, and</li> <li>v) the design and layout of roads, access, cycle ways, walkways, reserves and biodiversity corridors, and</li> <li>vi) the staging of development and associated roading and reserves, and</li> <li>vii) for Comprehensive Housing Developments the matters in Rule REr.22.3.</li> </ul> <p>Resource consent for restricted discretionary activities will be considered without notification or service of notice.</p> <p>Discretionary Activity</p> <p>Activities that contravene a standard for a restricted discretionary activity are discretionary.</p>



Assessment Criteria	Explanation
REr.107.4 a) the matters in the Nelson Tasman Land Development Manual 2019. b) the extent of compliance with Appendices 10 to 12. c) for Comprehensive Housing Developments, or subdivision within the Wakefield Quay precinct, the degree to which the subdivision achieves the outcomes contained in Appendices 22 and 23 respectively. d) the extent to which the design response for the proposal ensures that the design and appearance of the subdivision will achieve the urban design outcomes sought in the objectives and policies of the NRMP (refer particularly to DO13A Urban Design and the Residential Zone Objectives and Policies). e) the extent to which the subdivision design provides for the orderly development of adjoining land with development potential and the provision of services, including roading, to the boundary. f) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality, and efficient use of infrastructure. g) effects on traffic, road network, access, parking, stormwater management, water supply wastewater reticulation, and power and telecommunication services. h) effects of allotment size and shape, including on amenities of neighbourhood, on private to public space relationships, function and amenity, and on the potential efficiency and range of uses of the land. i) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other water bodies on the land to be subdivided. j) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated. k) the assessment criteria contained in REr.61.4 (Earthworks). l) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape, views or amenity values of the area (see Appendix 9 – landscape components and views). m) the extent to which the proposal has regard to Maori values, particularly in traditional, cultural, or spiritual aspect relating to the land. n) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation. o) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction. p) financial contributions (see Chapter 6). q) the extent to which the proposal includes protection and planting of biodiversity corridors as shown on the Planning Maps or Structure Plans. r) the ground level required to avoid the effects of flooding. s) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. t) effects on neighbouring properties, especially stormwater runoff. u) provision of adequate flow paths for surface flooding. v) the possibility of an overloaded public storm water system overflowing onto private property.	REr.107.5 Specific rules apply to subdivision activities proposed within the Services, Natural Hazard, Landscape or Heritage Overlays (see Rules REr.108 to REr.114). Resource consent is required for all subdivision so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced. The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on the wastewater network and other services, to avoid the need for costly and disruptive upgrading later. Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer. 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. 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. 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. A restricted discretionary activity category is provided in recognition that it is difficult to achieve the better urban design outcomes sought by the NRMP and the Nelson Tasman Land Development Manual 2019 through a prescriptive set of mandatory standards. The restricted discretionary category is therefore provided for applicants who can demonstrate, through compliance with Appendix 14, that the proposed design solution is compatible with the urban design outcomes sought by the Plan and the good practice guidance in the Nelson Tasman Land Development Manual 2019. This category also includes Comprehensive Housing Developments in the restricted discretionary subdivision category. In order to achieve high quality urban design outcomes it is considered that the design and construction of local neighbourhood reserves should be undertaken in conjunction with the residential subdivision. The process and design criteria to achieve this are outlined in Chapter 10 'Parks and Reserves' of the Nelson Tasman Land Development Manual 2019. Development, including front fences, should not perpetuate existing patterns of design and layout that are not valued development patterns, nor representative of the urban design outcomes sought in the Plan. Valued development patterns are explained further in DO13A.1.1.i. 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. 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.
<i>Continued overleaf...</i>	<i>Continued overleaf...</i>

Item	Permitted	Controlled	Discretionary/Non-complying
		<p>REr.107.2 (<i>continued</i>)</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> <li>i) the mandatory matters in the Nelson Tasman Land Development Manual 2019, and</li> <li>ii) the effects of natural and other hazards, and</li> <li>iii) design and layout of the subdivision including any proposed public spaces and any appropriate connections/linkages, and</li> <li>iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and</li> <li>v) riparian management, and.</li> <li>vi) public access, and</li> <li>vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and</li> <li>viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> <li>a) appropriate vehicle access, and</li> <li>b) the intensity of residential units to be erected on each lot and the siting of such buildings, and</li> <li>c) provision of services, and</li> </ul> </li> <li>ix) stormwater management, and</li> <li>x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and</li> <li>xi) financial contributions in accordance with Chapter 6, and</li> <li>xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and</li> <li>xiii) for areas subject to a Structure Plan, the matters contained on those including: <ul style="list-style-type: none"> <li>• the provision of adequate road, walkway and cycleway linkages, 'greenspace' and Biodiversity Corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown in the Structure Plan or within the Planning Maps;</li> <li>• any specific rules, schedules or other notations shown on the Structure Plan as applying to that land.</li> </ul> </li> </ul>	

Assessment Criteria	Explanation
REr.107.4 ( <i>continued</i> )	REr.107.5 ( <i>continued</i> )
<ul style="list-style-type: none"> <li>w) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</li> <li>x) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment..</li> <li>y) an existing protection of the area including any existing Esplanade Reserves or Strips or any protective covenants.</li> <li>z) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants.</li> <li>aa) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances.</li> <li>bb) in the case of an allotment less than the stated minimum net area, the relevant assessment criteria in REr.23 (minimum site area).</li> <li>cc) the matters contained in any Schedules or shown on the Structure Plan as applying to that land.</li> <li>dd) the density of planting, mature height and species of plant proposed in any required landscaping.</li> <li>ee) potential shading of neighbouring properties from development of the site, including fences.</li> <li>ff) the extent to which the proposed public reserves achieve the outcomes sought in Chapter 10 Parks and Reserves of the Nelson Tasman Land Development Manual 2019.</li> <li>gg) in the case of conversion to freehold of cross lease allotments existing prior to the notification of this Plan: the need to provide greater flexibility than the standards in Appendices 10 to 12 allow, except where these are necessary to mitigate adverse effects arising from the conversion.</li> <li>hh) the matters contained in any schedules or shown on the Structure Plan as applying to that land.</li> </ul>	<p>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.</p> <p>Monaco is exposed to wind driven tidal surge and wave set, hence additional safety margin is required there.</p> <p>Sites below the minimum levels stated for controlled activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the site from inundation.</p> <p>See Rule REr.61 (earthworks) for earthworks associated with the subdivision layout and creation of future building sites.</p> <p>Where the allotment is to be less than the minimum net area stated in REr.7.2 (subdivision), see rule REr.23</p>

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

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.108</b> <b>Services Overlay</b> Subdivision	REr.108.1 Subdivision is not a permitted activity.	REr.108.2 not applicable	REr.108.3 Subdivision in the Services Overlay, is a restricted discretionary activity, if: a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and b) it complies with all other controlled activity terms REr.107.2 b) to h), or c) in relation to REr.107.2 f) 'Minimum Site Area' it is the subdivision component of a Comprehensive Housing Development meeting the restricted discretionary standards and terms of rule REr.22.3.  Discretion is restricted to: (i) ensuring the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites in the Services Overlay as provided for by zone standards, and (ii) ensuring the proposal provides for future roading and servicing connections to adjoining land in Services Overlay. (iii) the matters in the Nelson Tasman Land Development Manual 2019, and (iv) the extent of consistency with the Councils strategic planning for the servicing of sites within the district as identified in the LTP, and the timing of the development in relation to the availability of roading and service connections, and (v) the matters of restricted discretion in Rule REr.107.3 (subdivision general).  Resource consent for restricted discretionary activities will be considered without notification. Discretionary Activity Activities that contravene a standard for the restricted discretionary activity are discretionary.

Assessment Criteria	Explanation
REr.108.4 a) whether the disposal of storm water or wastewater from the site, or supply of water, can be done effectively without risk to human health or the environment, natural hazards or adjoining properties. b) the mandatory matters and good practice guidance in the Nelson Tasman Land Development Manual 2019. c) the assessment matters in Rule REr.107 (Subdivision: General). d) the timing of the development in relation to the availability of roading and servicing connections. e) the extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites. f) the financial costs to the Council (including operation and maintenance costs) of providing water and wastewater services to the development. g) the assessment matters in REr.107.4. Subdivision (General).	REr.108.5 Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under REr.107 General. For subdivision in the Services Overlay, subdivision consent is only required under REr.108, unless any other overlays also apply to the site. Subdivision in the Services Overlay is a restricted discretionary activity rather than a controlled activity. This provides a limitation on the range and type of conditions that can be imposed, relevant to particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable or servicing of the site is considered unsustainable for Council. The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward. There may be constraints on the capacity of existing systems. The area may need filling in order to get the necessary fall for stormwater or wastewater drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land. In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a discretionary activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area. Since the Council often ends up maintaining these systems, ongoing operating and maintenance costs are important. There are also areas where services can be supplied, but where additional conditions may apply eg. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed. Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer. The Council holds copies of maps which define the servicing constraints in more detail. (Note: The capacity of the drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility).

Item	Permitted	Controlled	Discretionary/Non-complying
<b>REr.109</b> <b>Landscape Overlays</b> Subdivision	REr.109.1 Subdivision is not a permitted activity.	REr.109.2 not applicable	REr.109.3 Subdivision in the Landscape Overlay, is a restricted discretionary activity, if: <ul style="list-style-type: none"> <li>a) it is accompanied by the design and information requirements as detailed in AP14.2 in Appendix 14, and</li> <li>b) is accompanied by a landscape assessment by an appropriately qualified person, and</li> <li>c) it complies with all other controlled activity terms REr.107.2 b) to h), and</li> <li>d) in relation to Comprehensive Housing Developments compliance with REr.107.2 f) is not required provided it meets the restricted discretionary standards and terms of rule REr.22.3.</li> </ul> Discretion is restricted to: <ul style="list-style-type: none"> <li>i) the matters of restricted discretion in Rule REr.107.3 (subdivision: general), with particular regard to the visual impacts of the subdivision and the likely structures that will be built on the subdivided land, and</li> <li>ii) the location of building sites, and</li> <li>iii) the matters in the Nelson Tasman Land Development Manual 2019 with particular regard to the alignment and location of roads, the width of carriageways and planting of berms, and</li> <li>iv) retention of existing vegetation and other site features, and</li> <li>v) location and design of utilities, and</li> <li>vi) extent and form of earthworks and the matters in REr.61.3, and</li> <li>vii) size, shape and orientation of allotments, and</li> <li>viii) the location and types of planting for amenity and restoration.</li> <li>ix) the extent of compliance with Appendix 7 Guide for Subdivision and Structures in the Landscape Overlay.</li> </ul> Discretionary Activity Activities that contravene a standard for the restricted discretionary activity are discretionary.
<b>REr.110</b> <b>Fault Hazard Overlay</b> Subdivision	REr.110.1 Subdivision is not a permitted activity.	REr.110.2 not applicable	REr.110.3 Subdivision in the Fault Hazard Overlay is discretionary, except in that portion of the overlay between Seymour Avenue and Cambria Street where this rule does not apply, if: <ul style="list-style-type: none"> <li>a) the fault trace can be accurately located from existing Council records including the Conditions Book, subdivision files, site files, and GIS database, or</li> <li>b) the consent application is accompanied by a geotechnical assessment by a suitably qualified person which identifies the presence or absence of the fault trace, and where present, its location.</li> </ul>

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

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



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

## **freshwater rules**

Refer Appendix AP28.9 for freshwater rules.

# Schedule Residential Zone

## Sch.A Papakainga development

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### A.1 Application of the schedule

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

### A.2 General rule

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

### A.3 Permitted activity

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

### A.4 Controlled activity

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Papakainga development is controlled if:

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

The Development Plan must indicate:

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

Control reserved over:

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

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

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## **A.5 Discretionary activities**

The following are discretionary activities:

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

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## **A.6 Assessment Criteria**

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

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

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## **A.7 Explanation**

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

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

## Schedule Residential Zone

### Sch.B Bishopdale pottery - Waimea Road

#### B.1 Application of the schedule

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

#### B.2 General rule

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

#### B.3 Permitted activities

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

Buildings	Maintenance and replacement of existing buildings is permitted if: a) the height of the existing building is not exceeded in any part b) the gross floor area of the buildings is not increased by more than 5%
Dust Control	Open areas of land and stockpiles of materials must be contained or maintained to prevent the creation or dispersal of dust beyond the scheduled site.
Noise	a) Noise levels measured at, or as close as practicable to, the boundary of any site within the Residential Zone must not exceed: <b>Day Time</b> L 10: 55 dBA <b>Other Times</b> L 10: 45 dBA Lmax: 75 dBA(A), or the background sound level plus 30dBA, whichever is lower. b) Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. c) All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound).
Hazardous Substances	The use or storage of hazardous substances must comply with the conditions for permitted activities in Appendix 21 (hazardous substances), as if the scheduled site were in the Vanguard/St Vincent Street industrial area.
Parking and Loading	Must be in compliance with Appendix 10 (standards and terms for parking and loading), as an Industrial Activity
Access	Must be in compliance with Appendix 11 (access standards).
Other rules	The following rules in the Residential Rule Table must be complied with: aerials; building over or alongside drains; car parking and access; vehicle crossings; signs; noise; helicopter landing pads; vibration; light spill; hazardous substances; radioactive material; microwave or ultra high frequency emissions, subdivision rules and all freshwater rules.

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

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**B.4 Discretionary activities**

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The following are discretionary activities:

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

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**B.5 Assessment criteria**

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

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

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**B.6 Explanation**

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

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

## Schedule Residential Zone

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

#### C.1 Application of the schedule

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

#### C.2 General rule

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

#### C.3 Permitted activities

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

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

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

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

The following are discretionary activities:

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

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

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

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

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

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

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



## Schedule Residential Zone

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

#### D.1 Application of the schedule

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

#### D.2 General rule

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

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

#### D.3 Permitted activities

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

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

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

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The following are discretionary activities:

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

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

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

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

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

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

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

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

# Schedule Residential Zone

## Sch. E Ngawhatu Residential Area

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### E1 Application of the schedule

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

### E2 General rule

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **E.5 Explanation**

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

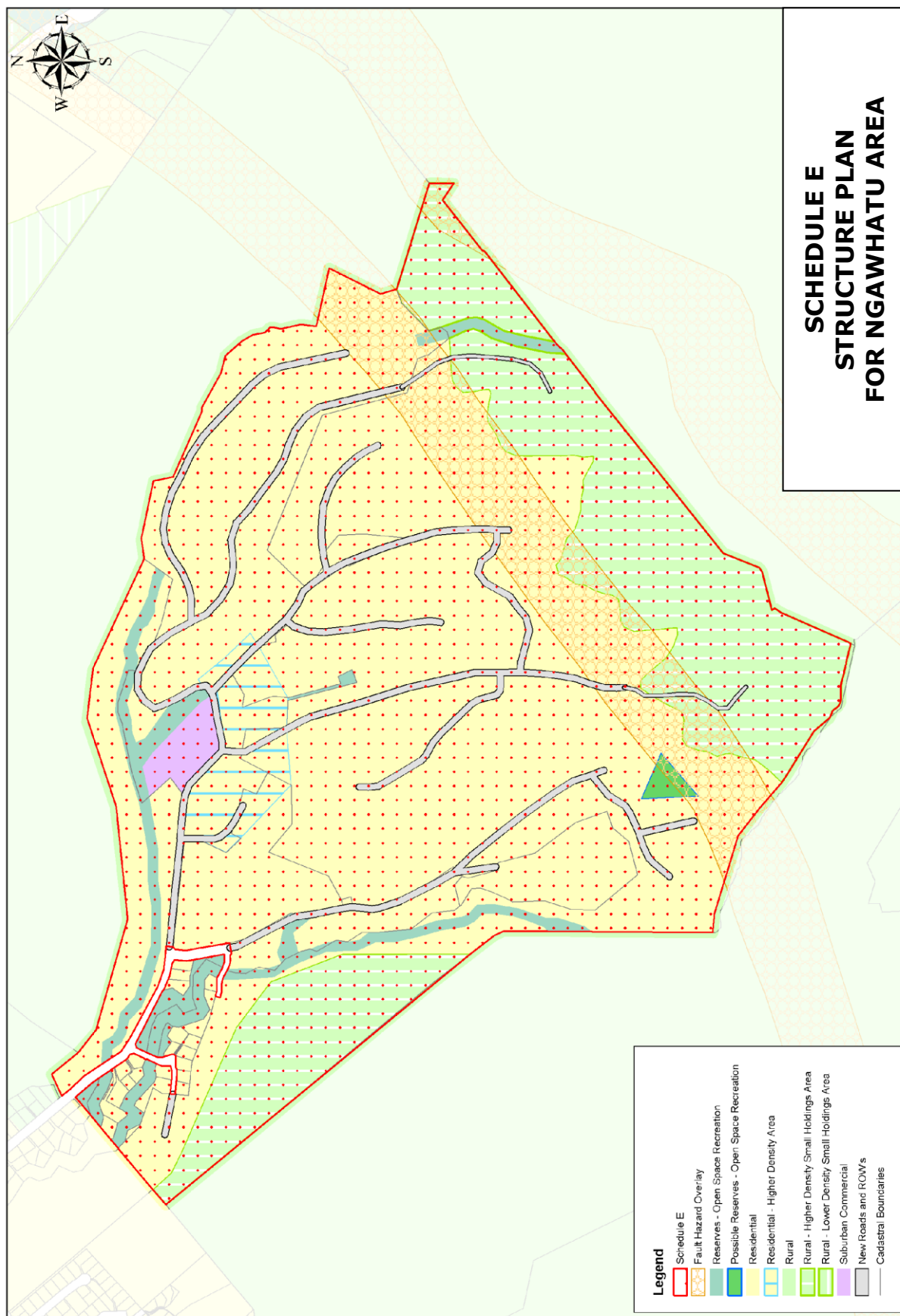
The Structure Plan sits alongside the other planning controls which seek to ensure sustainable urban development. These include the services overlay, the fault hazard overlay, and the landscape overlay which, together with the objectives, policies and rules applicable to the various zonings for Ngawhatu,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

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

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





## Schedule Residential Zone

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

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#### F.1 Application of the schedule

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

#### F.2 General rule

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

#### F.3 Permitted activities

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Any of the following Polytechnic activities:

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

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

#### F.4 Controlled activities

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

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

Control reserved over:

landscaping and site layout, and

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

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

#### F.5 Discretionary activities

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



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

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

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

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

## Schedule Residential Zone

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

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#### G.1 Application of the schedule

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

This Schedule is referred to in Rule REr.104.

#### G.2 General rules

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

#### G.3 Discretionary activities

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

#### G.4 Assessment criteria

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

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

#### G.5 Explanation

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

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

## **Schedule Residential Zone**

### **Sch.H Bishopdale subdivision area**

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#### **H.1 Application of the schedule**

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

this Schedule is referred to in Rule REr.105.

#### **H.2 General rules**

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

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

#### **H.3 Discretionary activities**

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

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

#### **H.4 Assessment criteria**

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

#### **H.5 Explanation**

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

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

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

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

# Schedule Residential Zone

## Sch.I Marsden Valley

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### I.1 Application of the Schedule

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

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

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

### I.2 General Rules

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- a) Subdivision design shall generally accord with the Structure Plan contained in Schedule I Figure 1 except for the indicative educational facility which need not be developed to ensure any proposal generally accords with the Structure Plan.
- b) No buildings are permitted within 'greenspace' areas, or Biodiversity Corridors (see Meanings of Words, Chapter Two) as indicatively shown on Schedule I Structure Plan Figure 1.
- c) Biodiversity Corridor locations shall generally accord with that shown on the Structure Plan contained in Schedule I Figure 1. Biodiversity Corridors (see definition Chapter 2, Meaning of Words) shall consist of:
  - i) existing native and/or exotic vegetation, or
  - ii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
  - iii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type to be planted to replace any existing vegetation removed from within the corridor;except that:
  - iv) the formation and maintenance of walkways, cycleways, and the construction and maintenance of utility service lines and their structures are permitted within the Biodiversity Corridor provided they cross the corridor more or less at right angles, and
  - v) the formation and maintenance of walkways and cycleways may also run along the corridor provided a corresponding increase in width is provided, and

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

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

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

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

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

Discretion restricted to:

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

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

## **I.3 Activity Status**

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

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

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

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

### **I.3.2 Subdivision**

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

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

## **I.4 Assessment Criteria**

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

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

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

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

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



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

## **I.6 Explanation**

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

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

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

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

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

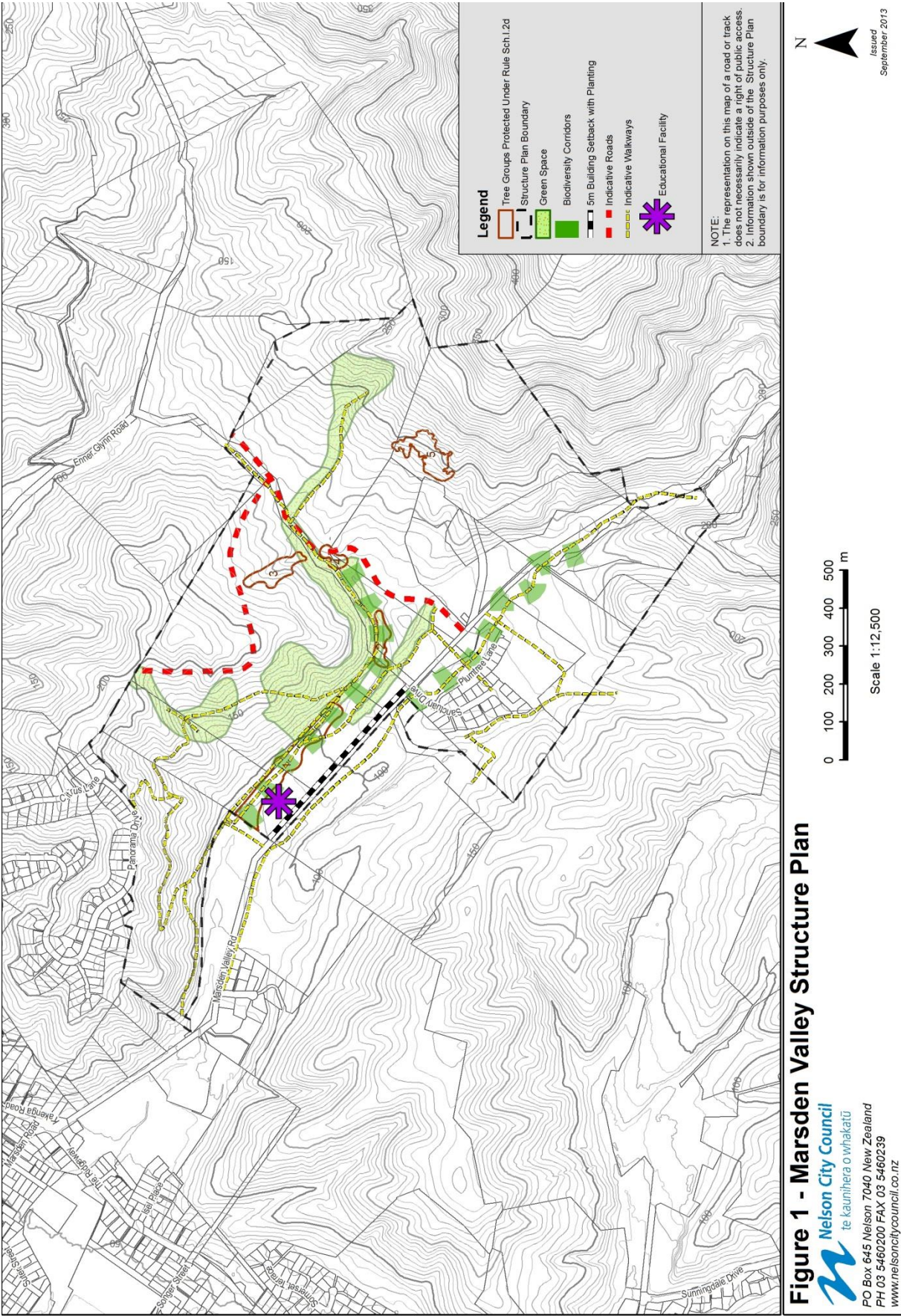
Commercial Zone. Higher Density Residential Zoning is provided in support of the commercial zoning. This provides a housing choice within the valley (and the wider Nelson area) allowing for increased flexibility in living styles and the opportunity to live and work in the same area. In addition, the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

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

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

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

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



## Sch.U Marsden Plateau Landscape Area

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### U.1 Application of the schedule

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

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

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

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



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

## **U.2 Information requirements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **U.4.1**

#### **Buildings**

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

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

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

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

#### **U.5**

#### **Restricted discretionary activities**

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

#### **U.5.1**

#### **Subdivision**

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

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

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

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

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

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

## **U.5.2**

### **Earthworks**

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

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

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

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

## **U.6**

### **Discretionary activities**

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

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

### **U.6.1**

#### **Buildings**

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



## **U.6.2**

### **Vegetation removal**

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

## **U.7**

### **Non-complying activities**

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

## **U.8**

### **Assessment criteria**

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

### **U.8.1**

#### **Subdivision layout**

- i) The extent to which the proposal acknowledges and complies with the concept in Figures 1 and 2 and promotes the protection of the special landscape values of the site.
- ii) The ability of the design to achieve an urban form that works in harmony with the natural environment patterns that exist in the Marsden Plateau Landscape Area. The proposed design shall be responsive to existing significant vegetation, landform features and patterns, and site constraints.
- iii) The extent to which the street system maximises connectivity and permeability in order to promote convenience, social interaction, and to enhance user safety in the street and security of property. Refer also to connectivity criteria in U.8.3, U.8.6 and U.8.7.
- iv) The ability for the design to provide rear or side access lanes to provide garage access away from the road front, reduce use of rights of way, and possibly to assist with future redevelopment opportunities.
- v) The extent to which each allotment has road frontage. Right of ways should be limited and only be used to reach pockets of land that are inaccessible by road, and would require streams to be piped, vegetation cleared, or the topography is too steep to facilitate a road or where numbers of dwellings to be accommodated off the access do not justify a road.
- vi) The ability of the design, orientation and layout to contribute to energy efficiency of the development.
- vii) The degree of variation in the lot density within the Schedule U site.
- viii) The degree of compliance with Appendices 10, 11, 12 and the matters in Chapter 4 of the Nelson Tasman Land Development Manual 2019 except where specific alternatives are provided to address environmental and landscape values of the site and assessment criteria in this schedule, through design.
- ix) The degree to which the subdivision facilitates good urban design for resultant site development.
- x) The actual of potential effects of the activity on the special landscape values of the Marsden Plateau as the backdrop to the City, especially when viewed from public spaces and Stoke, Monaco and the Airport.
- xi) The relationship of design to future adjoining urban development, open space linkages, and its ability to integrate and promote efficiency.
- xii) Financial contributions.
- xiii) Any assessment criteria for other relevant rules in the Residential Zone rules tables or in Schedule U.8.2 to U.8.8.

## **U.8.2**

### **Services overlay**

- i) The ability for the site to integrate with the City's services infrastructure, and future urban expansion, in a sustainable manner that avoids, remedies or mitigates any risks to human health, or the environment, natural hazards, or adjoining properties.
- ii) The extent of the use of low impact stormwater methods.
- iii) The extent to which stormwater runoff is reduced by limiting permeable surfaces and including permeable road and parking surfaces where possible.
- iv) The degree to which the design provides for the improvement in the quality of stormwater before it reaches streams by allowing it to flow through stormwater treatment devices including, but not limited to, grass areas (such as swales, rain gardens) and through constructed wet areas. Note that these devices may also allow for stormwater flow attenuation.
- v) the matters in the Nelson Tasman Land Development Manual 2019.

## **U.8.3**

### **Road design**

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

## **U.8.4**

### **Earthworks**

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

## **U.8.5**

### **Building**

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

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

## U.8.6 Open space network

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

- ix) The extent to which ecosystem services are to be utilised as part of the development, for stormwater treatment measures, and their relationship to open space network.
- x) Financial contributions, including the provision of reserves and any credit for infrastructural works associated with those reserves (e.g. viewing platforms, playground equipment).

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

- i) The extent to which pedestrian and cycleway links are provided where roads are not practical to connect to Stoke suburbs and existing open space networks, and to future urban expansion areas (i.e. Ngawhatu and Marsden Valleys).
- ii) The consideration of the design of pedestrian and/or cycle links with surface conditions, lighting, signage and visual outlook appropriate to their target level of use (i.e. for able bodied persons, mobility impaired, for general public use or for specific recreational use (tramping, running etc) only) where they are to be used during day and night. Where pedestrian and/or cycle links are to be used during the day only, the design features should discourage night use.
- iii) Financial contributions, including the provision of walkway/cycle linkages and any credit for infrastructural works associated with those public resources.

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

- i) The extent of re-vegetation, at an appropriate scale, of the foreground open space area to provide a vegetated backdrop to the City and integration of Marsden Plateau into a setting dominated by landscape context rather than built features.
- ii) The proposed mechanisms for ownership, maintenance and management of those vegetated areas.
- iii) The proposals ability to:
  - a) Avoid, remedy or mitigate significant adverse visual effects on the City's backdrop landscape when viewed from public spaces, in particular Stoke, Monaco and the Airport.
  - b) Utilise planting to assist with the integration of the subdivision and subsequent development of the sites.
  - c) Preserve view shafts from the development to the west, including between planting and proposed dwellings to ensure residential amenity and outlook is preserved.
  - d) Present and future compliance with the Electricity (Hazards from Trees) Regulations 2003 around existing high voltage transmission lines.
- iv) The degree to which the planting plan includes the use of vegetation native to the Nelson/Marlborough Ecological District, that are suitable for the site conditions, and are of an appropriate scale and form to positively contribute to the valued landscape patterns provided by the Barnicoat Ranges to the rear.
- v) The extent to which the subdivision and development provides for the vegetation of gullies to enhance amenity values by emphasising the landform while also improving soil and water quality values.

## **U.9 Explanation**

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

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

significant landscape role as the backdrop to the City, they should be incorporated into the design of the subdivision to achieve an integration of natural and built environments. For this reason specific rules, assessment criteria and roading standards have been developed to assist with the integration of development with the landscape, and its ability to acknowledge natural systems and to enhance residential amenity. The roading standards in Table 1 can be used for the Marsden Plateau in lieu of those contained in Chapter 4 of the Nelson Tasman Land Development Manual 2019 as they directly relate to the assessment criteria for development within this Schedule. The proposed roading standards are in Table 1 along with definitions detailing the intended use of each road type.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table U.11.1 - Marsden Plateau roading standards

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

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

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

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

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

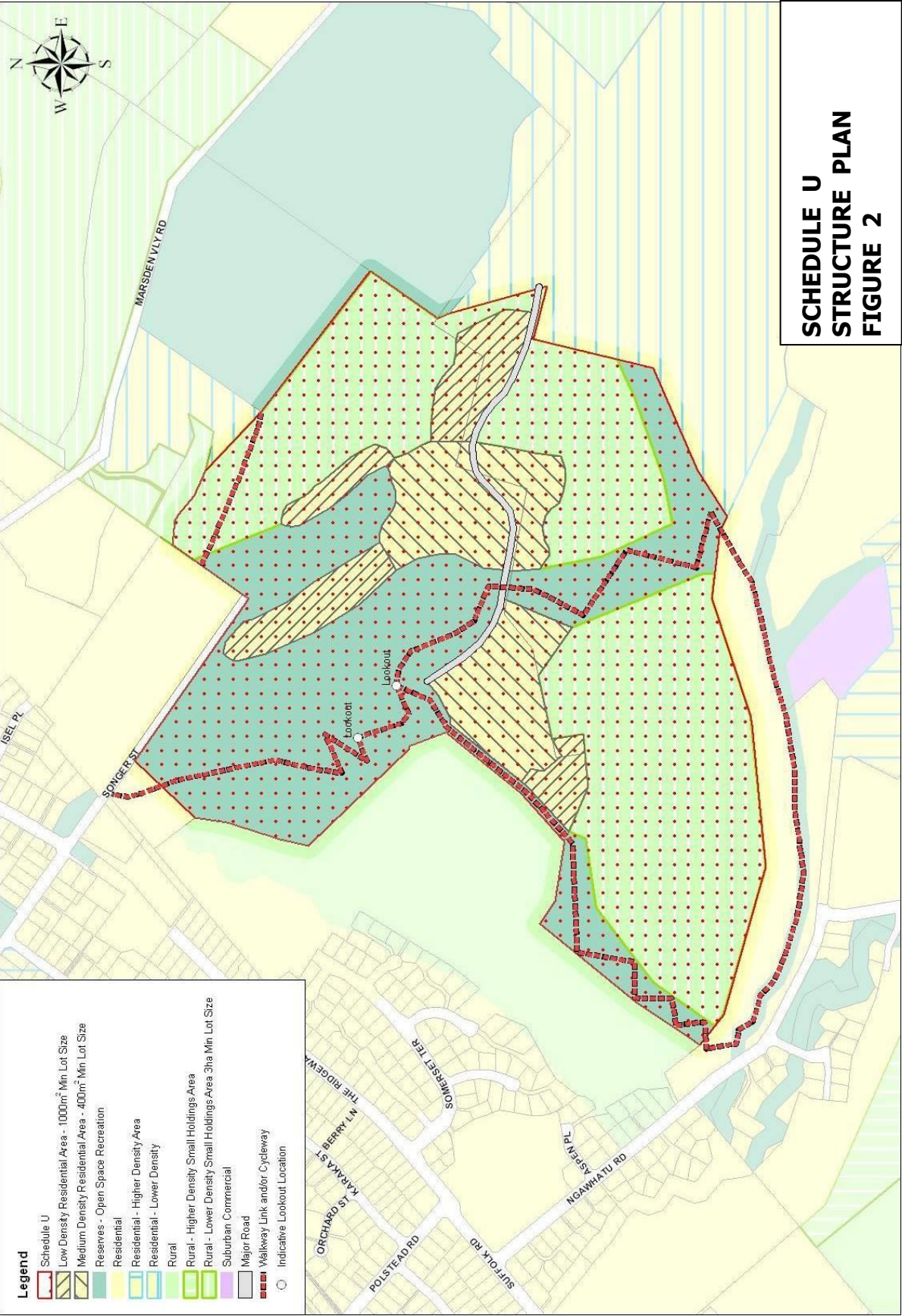
<sup>5</sup> Individual lot accesses from residential lanes are to be paired up at every second lot boundary to act as passing lanes, except where there is a single access which cannot be paired up.







Schedule U Figure 2



## **Sch.V Marsden Hills**

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### **V.1 Application of the schedule**

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

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

### **V.2 General rules**

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

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

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

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

### **V.3 Discretionary activities**

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

## **V.4                      Assessment criteria**

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

## **V.5                      Explanation**

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

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

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

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

