

1

about this document

AB1 Introduction

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

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

Chapters

Contents

1 - 3 Explanatory material.

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

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

AB2 Examples of subject matter

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

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

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

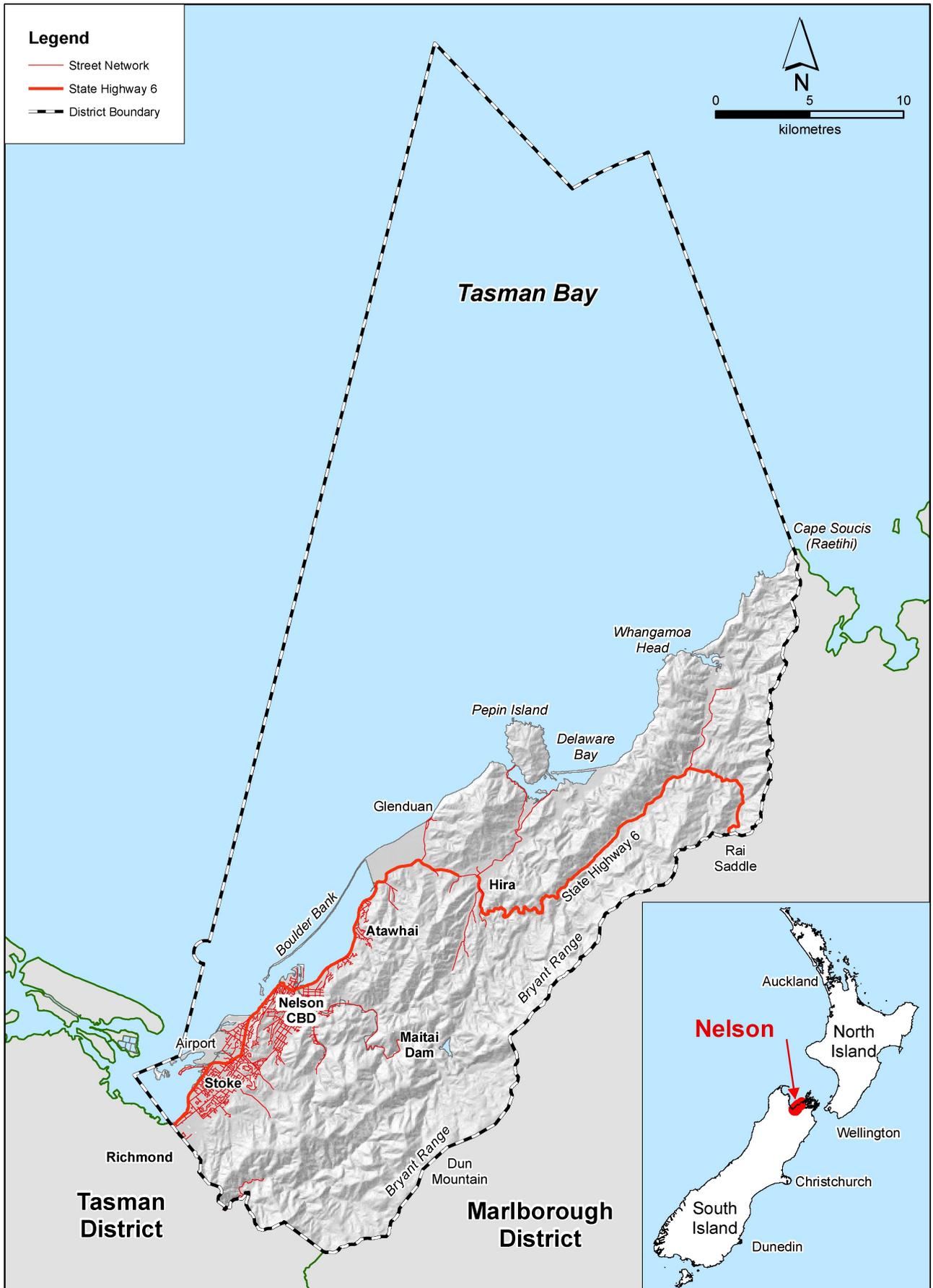


Figure AB1: Area under the responsibility of Nelson City Council

AB3 **How to use this Plan**

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

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

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

Step 1

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

Step 2

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

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

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

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

Step 3

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

Step 4

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

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

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

Step 1

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

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

Step 2

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

Step 3

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

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

AB3.3

Question 3 What is this Plan all about?

Read on!

AB4

Background

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

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

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

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

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

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

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

AB5 Combined regional and district plan

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

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

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

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

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

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

AB6 Other resource management documents

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

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

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

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

AB7 **When the Plan takes effect**

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

AB8 **Plan contents**

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

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

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