

administration

AD1 Introduction

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

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

AD2 Plan changes and review

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AD11 Plan construction

AD11.1 Planning maps

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

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

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

The relationship of the various layers is shown as follows:

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

AD11.2 Description of zones and areas

AD11.2.i All land and sea subject to this Plan is contained within one of eight zones or

areas. The reasons for the zoning approach are stated in Chapter 5 (district wide objectives and policies). The zones are: Residential, Inner City, Suburban Commercial, Industrial, Open Space and Recreation, Rural and Conservation Zones, as well as the Coastal Marine Area.

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

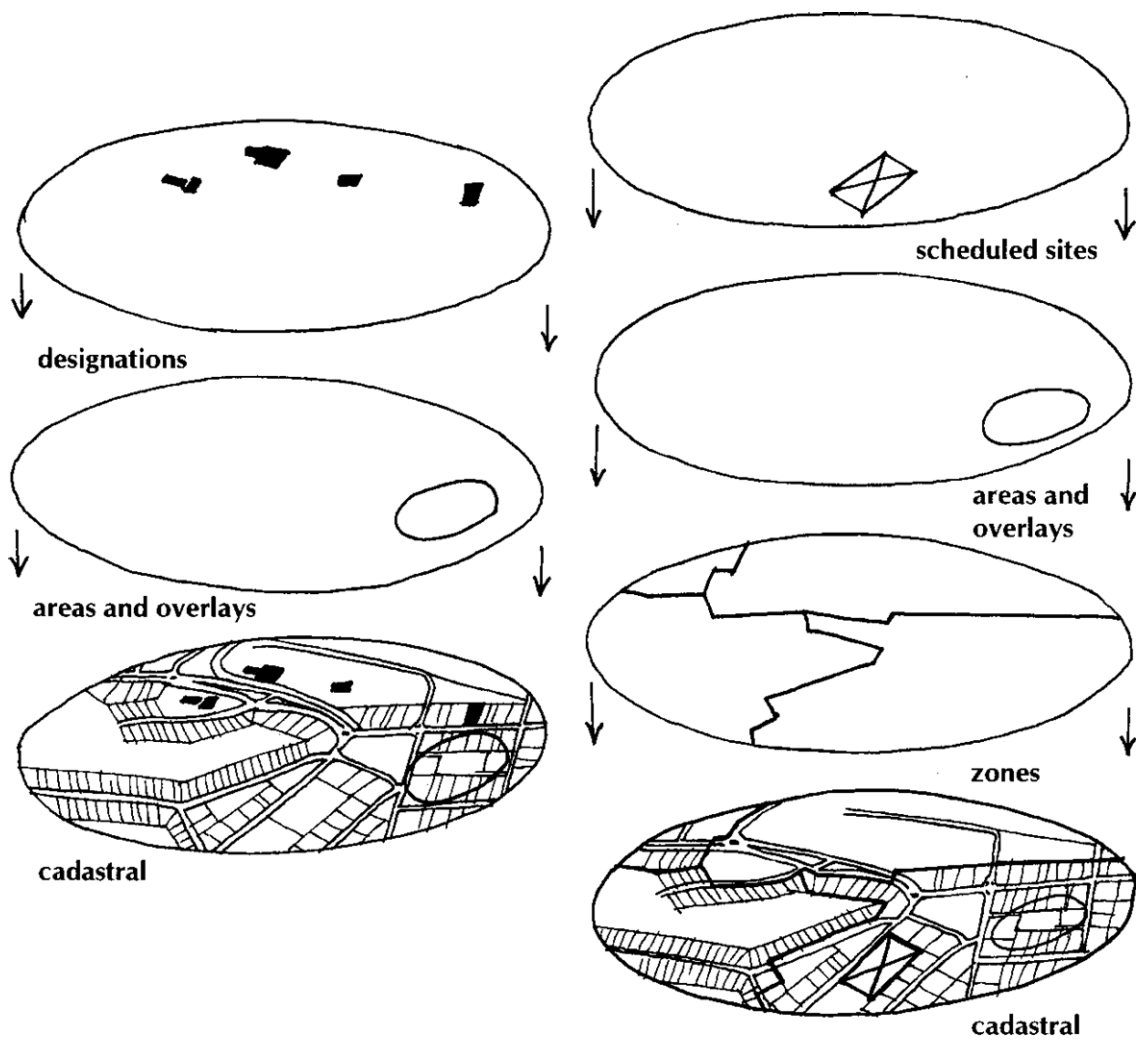
AD11.2.ii All rules that affect activities in any one zone or area are largely contained within the relevant zone or area chapter of this Plan, supplemented by the information in Chapters 1 to 6, and the Appendices. Where rules seek to protect values in another zone or area, the appropriate objectives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

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

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

The Areas are described below:

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



left hand facing Planning Map

right hand facing Planning Map

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

AD11.3 Description of overlays

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

Hazard Overlays

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

Heritage Overlays

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

Other Overlays

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

AD11.3.1

Hazard overlays

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

a) Fault Hazard overlay

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

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

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

c) Inundation overlay

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

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

d) Flood path overlay

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

e) Flood overlay

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

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

AD11.3.2 Landscape overlay

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

AD11.3.3 Services overlay

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

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

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

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

AD11.3.4 Heritage overlays

a) Heritage Buildings, Places, and Objects

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

b) Heritage Precincts

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

c) Heritage and Landscape Trees

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

d) Archaeological sites

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

e) Archaeological Overlay

Are areas which are known to contain a high number of identified archaeological sites, and which are also likely to contain many sites that are not documented. One such area occurs at Delaware Bay, another at the mouth of the Whangamoa River. Within these overlays the Plan regulates activities which have the potential to damage archaeological sites. Individual sites within these overlays are not shown on the Planning Maps, but records of some archaeological sites within them are available at the Council offices. Applicants will be expected to establish the presence or absence of archaeological sites near their proposed activity through consultation with the relevant iwi, and where necessary in some cases through an archaeological investigation.

f) Wakefield Quay Precinct

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

AD11.3.5 Conservation overlay

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

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

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

AD11.3.7 Coastal environment overlay

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

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

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

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

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

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

AD11.3.8 Land management overlay

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

AD11.3.9 Riparian overlay

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

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

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

AD11.3.10 Road overlays

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

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

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

AD11.3.11 Potential quarry overlay

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

AD11.3.12 Scheduled frontages

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

AD11.3.13 Airport effects overlays

Indicate areas likely to be subject to the effects of certain predicted noise levels from the operation of Nelson Regional Airport.

New Zealand Standard NZS 6805:1992 'Airport Noise Management and Land Use Planning' (NZS6805:1992) provides guidance to territorial authorities on implementing appropriate land use controls and noise rules to control the level of noise generated by the airport, in order to manage these effects.

The purpose of NZS6805:1992 is to develop a set of noise boundaries around an airport which are designed to protect the surrounding residents by setting a maximum noise limit for the airport (as to be monitored and controlled by the Airnoise Boundary, and to protect the airport from reverse sensitivity effects by restricting development of Activities Sensitive to Airport Noise (ASAN) within both the Airport Effects Control Overlay and Airnoise Boundary which also helps to avoid additional people being exposed to the adverse effects of airport noise. The lines which form the boundaries of the Airport Effects Advisory Overlay represent noise levels predicted for the year 2020 from aircraft movements to and from the airport. From a 1994 base the predictions assume 10% growth in aircraft movements per year until 1999 and then 3% per annum for 21 years.

a) Airnoise Boundary (ANB)

The outer limit of the Airnoise Boundary as shown on the planning maps represents a modelled Future Aircraft Noise Contour for approximately 65dB L_{dn} from Aircraft Operations. Within the ANB new Activities Sensitive to Airport Noise are prohibited. The Airport Operator is also required to manage its operations so that the limit specified for the Airnoise Boundary is not exceeded.

Rules in the Plan also restrict the density of housing in the Airnoise Boundary to avoid increasing the number of residential units and ASAN exposed to the noise. Acoustic insulation and ventilation is required for substantial alterations to, or replacement of, existing buildings occupied by ASAN.

b) Airport Effects Control Overlay

The outer limit of the Airport Effects Control Overlay represents a predicted noise level of L_{dn} 55dB L_{dn} Future Aircraft Noise Contour A (34.6 Pasques). The outer line has been slightly adjusted to take into account property boundaries. Land within this overlay is expected to be exposed to potentially high noise levels from the airport.

Rules in the Plan restrict ASAN and the density of housing in the Airport Effects Control Overlay to avoid increasing the number of residential units and ASAN exposed to the noise. Acoustic insulation and / or ventilation is required for new residential units significant substantial alterations to, or replacement of, existing buildings occupied by ASAN units. Where resource consents are required (eg for activities that are not residential, as defined in the Plan), the effects of noise will be taken into account. The approximately L_{dn} 65 dBA (109 Pasque) contour (the Airnoise Boundary), which is within the inner edge of the Airport Effects Control Overlay, also regulates the maximum noise levels that the aircraft operations can generate at the airport. This line is based on aircraft movement growth to 2020, at the rates stated above.

b) Airport Effects Advisory Overlay

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

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

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

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

AD11.4 Scheduled sites
