

rules
suburban
commercial zone

SCr Rules

SCr.1 Rule table - rules

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.

SCr.2 Prohibited activities

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.

SCr.3 Permitted activities

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

SCr.4 Controlled activities

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 SCr.8 below regarding further matters of control.)

SCr.5 Discretionary activities/restricted discretionary activities

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 SCr.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”.

SCr.6 Non-complying activities

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.

SCr.7 Scheduled sites

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

SCr.8 Controlled activities and restricted discretionary activities

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:

- SCr.8.a Financial contributions in the form of money, land, works or services, or a combination of these. (See Chapter 6), and
- SCr.8.b Bonds or covenants or both, to ensure performance or compliance with any conditions imposed, and
- SCr.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
- SCr.8.d The duration of a resource consent, under section 123 of the Act, and
- SCr.8.e Lapsing of a resource consent, under section 125 of the Act, and
- SCr.8.f Change and cancellation of a consent, under sections 126 and 127 of the Act, and
- SCr.8.g Notice that some or all conditions may be reviewed at some time in the future, under section 128 of the Act, and
- SCr.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.

SCr.9 Regional rules, and regional and district rules

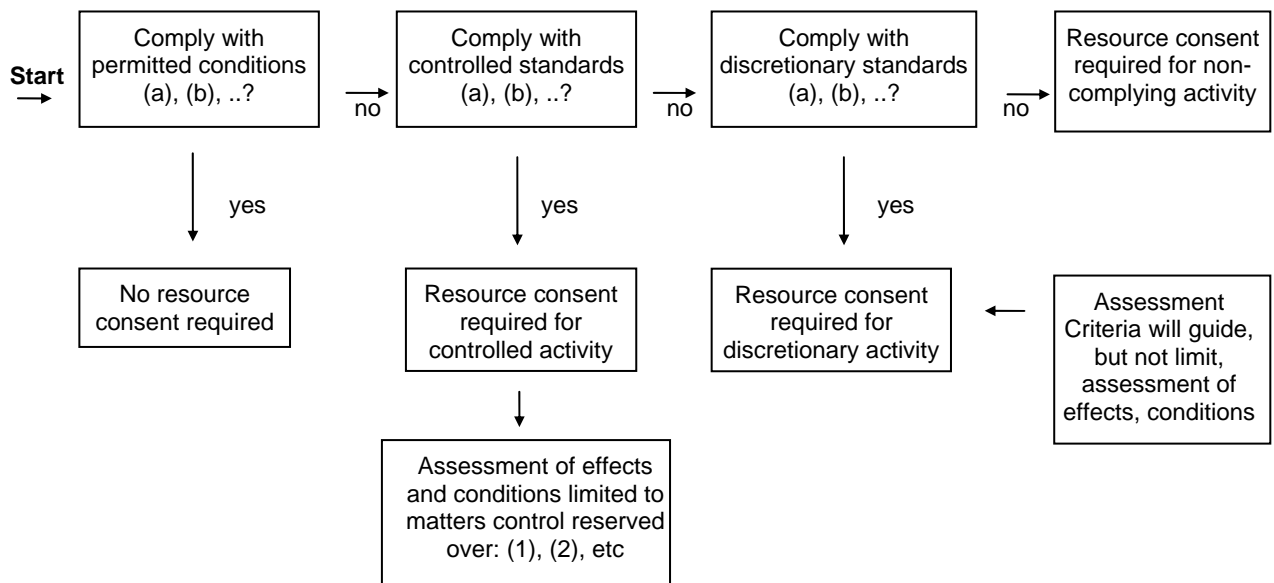
In the Rule Tables, a number of rules are indicated as being Regional rules, or Regional and District Rules. These are rules that derive in total or in part from the regional functions of the Council. Regional rules have a different impact on matters such as designations (which must comply with regional 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.

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.



SCr.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.

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rule table

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

suburban commercial zone

| Assessment Criteria | Explanation |
|--|---|
| <p>SCr.20.4</p> <ul style="list-style-type: none"> a) the nature and scale of the activity in relation to the activities in the centre and the residential neighbourhood, having regard to the nature of the existing and permitted future uses on nearby sites. b) the effect on the existing and likely foreseeable amenity of the centre and the residential neighbourhood, particularly in relation to noise and traffic generation. c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures. d) the topography of the site and the neighbouring areas. e) the adequacy of car parking on the site. f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity. g) whether the activity is temporary, and the frequency of such events (where applicable). | <p>SCr.20.5</p> <p>All the suburban commercial areas are in close proximity to land that is zoned Residential. The other rules in this table set performance standards that activities must meet in order to operate in the zone. However, there are some activities which are known to have potentially high adverse effects in terms of location close to residential areas, and location within Suburban Commercial centres. These activities can be hard to control retrospectively, if once established they are unable to comply with the required performance standards eg. noise. In this case it is considered better to list the specific activities, as this provides more certainty, and a better environmental outcome. If these activities wish to set up in the Zone, then a resource consent application is required. This allows the effects of the activity to be evaluated specifically, and special conditions imposed where necessary.</p> |
| <p>SCr.21.4</p> <ul style="list-style-type: none"> a) the extent to which expansive walls can be softened through the use of architectural features, including form or surface treatment and landscaping. b) the degree to which building appearance and site layout, including advertising, is harmonious with other development in the surrounding area, particularly any residential development. c) the extent to which the site layout will minimise potential effects on the neighbouring area including noise, appearance and glare. d) the efficient use of the site. e) safe access of traffic to and from the site and any effects on traffic generation. f) the extent or otherwise to which a larger area would make better use of public infrastructure. g) the effects of a larger floor area on the role of the City Centre as the focal point for the city. h) any adverse effects on a Residential zone. | <p>SCr.21.5</p> <p>Larger buildings can detract from amenity values. This can be particularly the case with large buildings in Suburban Commercial areas which are in close proximity to residential areas. The rule allows control over visual and other aspects of the development to address some of these concerns.</p> <p>A floor area control is included to ensure the scale of activity is compatible with the mainly residential neighbours. Larger premises may be possible but may require a resource consent so that traffic and other impacts can be assessed on a case by case basis. Except in relation to new development in the Stoke Centre west of Main Road, Stoke, effects on the City Centre should also be assessed (see Chapter 8).</p> |
| <p>SCr.22.4</p> <ul style="list-style-type: none"> a) the height of the building in relation to the scale and height of buildings in the area, having regard to the topography and the character and use of the neighbouring area. b) the effects on significant views. c) any effects of shading on open spaces and pedestrian areas. | <p>SCr.22.5</p> <p>The rule provides for 2 storey buildings throughout most of the Zone. The majority of the suburban commercial areas adjoin residential areas, so the height of the buildings has been set to be compatible with the surrounding houses. Three storey buildings are provided for in the main Stoke shopping area, recognising that this is a more major commercial area. A higher height is also provided for at Tahunanui, on the land to the west of Tahunanui Drive. Here the areas zoned Suburban Commercial form reasonably large, discrete areas with a strong commercial character where taller buildings can be accommodated without adversely affecting neighbouring residential areas.</p> <p>On the landward side of Wakefield Quay in the Leisure Area, buildings of up to about seven storeys are allowed. Rule SCr.50.2 (leisure area) contains a recession plane, that in combination with the height rule ensures that buildings are tucked against the sea cliff and do not adversely affect views from properties above the cliff.</p> <p>Buildings over the height limits in SCr.22.1, or averaging over those height limits on sloping ground, are discretionary.</p> |

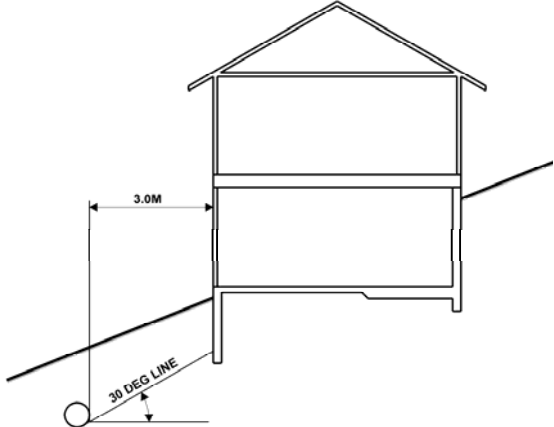
| Item | Permitted | Controlled | Discretionary/Non-complying |
|---|--|----------------------------|--|
| SCr.23 Verandahs Stoke Centre | SCr.23.1 Any building in the Stoke Centre (west of Main Road Stoke)(other than a Group A or B Heritage Building listed in Appendix 1), when it is erected, or altered in any way that substantially changes its external appearance: a) must be provided with a verandah along any road boundary, or any frontage with Strawbridge Square, and b) the verandah must comply with the specifications in Appendix 18 (verandahs) | SCr.23.2 not applicable | SCr.23.3 Activities that contravene the conditions for permitted activities are discretionary. This includes the addition of a verandah to a Group A or B listed Heritage Building in Appendix 1. |
| SCr.24 Verandahs Other areas | SCr.24.1 Any building may be provided with a verandah, if: a) the building is not a Group A or B Heritage building listed in Appendix 1, and b) the verandah complies with the specifications in Appendix 18 (verandahs). | SCr.24.2 not applicable | SCr.24.3 Activities that contravene a permitted condition are discretionary. |
| SCr.25 Landscaping | SCr.25.1 a) Except where the building is built to the road boundary, a minimum of 5% of any site must be set aside as a landscaped area or areas, and b) The landscaped area must be located along the road frontage (except for any rear site), and c) The landscaped area must be maintained in good condition. | SCr.25.2 not applicable | SCr.25.3 Activities that contravene a permitted condition (excluding condition c)) are discretionary. |

| Assessment Criteria | Explanation |
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| <p>SCr.23.4</p> <ul style="list-style-type: none"> a) the extent the footpath may be exposed to adverse weather conditions if a verandah is not provided. b) whether suitable alternative provision for pedestrian cover can be made. c) the volume of pedestrian movement in the vicinity. d) the effect of not providing a verandah on the appearance of the building, and the street in the vicinity. e) the extent to which a verandah added to a heritage building would detract from the architectural or historic merits of the building. | <p>SCr.23.5</p> <p>The rule is to enhance the attractiveness and convenience of the Stoke Centre as a shopping environment and as a place for visitors. In the rest of the Zone verandahs are optional. In all cases, certain design specifications must be met. These ensure there is general consistency of design and continuity of protection for pedestrians.</p> <p>Having a verandah on a listed heritage building is not mandatory. Addition of such a structure may detract from the appearance of the building, and for this reason addition of a verandah to a listed building requires a resource consent.</p> <p>Alteration of a heritage building is regulated by Rule SCr.56 (heritage buildings: alterations to Group A or B items).</p> |
| <p>SCr.24.4</p> <ul style="list-style-type: none"> a) the effect of departing from the specifications in Appendix 18 (verandahs) in terms of the relationship with adjoining verandahs (eg. appearance, continuity of weather protection), the appearance of the building and the road. b) the extent to which a verandah added to a heritage building would detract from the architectural or historic merits of the building. c) where relevant, the provisions of the Design Guide for the Russell Street Heritage Precinct. | <p>SCr.24.5</p> <p>Verandahs are optional on buildings, other than in the Stoke Centre (Rule SCr.23 - Verandahs). However, certain design specifications must be met. These ensure there is general consistency of design and continuity of protection for pedestrians.</p> |
| <p>SCr.25.4</p> <ul style="list-style-type: none"> a) the visibility of the site from any adjoining site, particularly in the Residential Zone. b) the visibility of the site from any road, having regard to the nature and volume of traffic carried. c) the contribution of the landscaping to noise reduction, maintenance of privacy, or other aspects of amenity on any site. d) the nature and appearance of the activity and any building, and desirability of providing screening or softening. e) where landscaping is to be reduced, the effect on the amenity of adjoining sites, or the visibility from the road. | <p>SCr.25.5</p> <p>The landscaping requirement is to improve the amenity of the site. It is not intended that non-compliance with condition c) will result in requiring a resource consent, because a judgement is involved in condition c). Condition c) is to be used for enforcement purposes, i.e. when the condition is not complied with, enforcement of the condition may be actioned.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
|--|--|------------------------------------|---|
| <p>SCr.26 Setback from Residential Zone boundary</p> | <p>SCr.26.1</p> <p>a) Buildings must be set back at least 3m from a Residential Zone boundary, and</p> <p>b) Provision must be made for landscaping, fences, walls, or for a combination, to at least 1.8m in height along the length of the Zone boundary, and</p> <p>c) Where landscaping is provided it must have an average depth of 1.5m along the boundary.</p> <p>Conditions a, b and c shall not apply to structures that are:</p> <p>i) exclusively associated with a telecommunications service, and</p> <p>ii) no more than 15m² in area, and</p> <p>iii) no more than 3.5m in height.</p> | <p>SCr.26.2 not applicable</p> | <p>SCr.26.3 Activities that contravene a permitted condition are discretionary.</p> |
| <p>SCr.27 Daylight admission Residential Zone boundaries</p> | <p>SCr.27.1</p> <p>Any building or structure on a site adjoining a Residential Zone must comply with the daylight angles, as detailed in Appendix 15 (daylight admission – residential).</p> | <p>SCr.27.2 not applicable</p> | <p>SCr.27.3 Activities that contravene a permitted condition are discretionary.</p> |

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

| Item | Permitted | Controlled | Discretionary/Non-complying |
|---|---|------------------------------------|--|
| <p>SCr.28 Building over or alongside drains and water mains</p> | <p>SCr.28.1</p> <p>a) Structures</p> <ul style="list-style-type: none"> i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and iii) 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 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (see figure). <p>b) As an alternative to (a), structures may be located over common private or public wastewater or stormwater drains or pipes (but not pressurised pipes), if they comply “Acceptable Techniques for Building over Drains and Pipelines” Table 3-4 in section 3 of the NCC Land Development Manual.</p> | <p>SCr.28.2 not applicable</p> | <p>SCr.28.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) the design and location of the structure, and ii) access to pipework or drain for maintenance, and iii) the nature and location of the pipework or drain. <p>Resource consent applications for restricted discretionary activities will be considered without notification, or service of notice, provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p> |

| Assessment Criteria | Explanation |
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| <p>SCr.28.4</p> <ul style="list-style-type: none"> a) the nature of the structure and whether access to the pipe or drain can be maintained. b) any measures taken to ensure that replacement of the pipe or drain can be undertaken. c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints. | <p>SCr.28.5</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 drains where off site facilities are likely to be affected.</p> <p>Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some limited circumstances.</p> <p>Diagram referred to in SCr.28.1a):</p>  <p>The diagram illustrates a cross-section of a structure built over a drain. A vertical line represents the centerline of the drain. A horizontal dimension line with arrows at both ends indicates a distance of 3.0M from this centerline to the side of the structure. A 30-degree line is drawn from the centerline of the drain to the side of the structure, labeled '30 DEG LINE'. The structure is shown as a rectangular frame with a gabled roof.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
|---|--|--|---|
| SCr.29 Activities near the coast | SCr.29.1 Activities within 20m of mean high water springs are permitted if: <ul style="list-style-type: none"> a) they do not involve the erection and extension of structures (excluding fences), and b) they do not impede the legal right of foot access along a waterbody where this exists. | SCr.29.2 Extension of a utility service line or structure is controlled. Control reserved over <ul style="list-style-type: none"> i) damage to indigenous vegetation, and ii) discharge of contaminants iii) maintenance of access, and iv) remedial measures. | SCr.29.3 Activities that contravene a permitted condition are discretionary. |
| SCr.30 Outdoor living court residential activity | SCr.30.1 Every residential unit must be provided with an outdoor living court: <ul style="list-style-type: none"> a) minimum area: <ul style="list-style-type: none"> 1 bedroom 25m² 2 or more bedrooms 40m², and b) minimum dimension 4m, and c) units without a room on the ground floor may instead provide a balcony or balconies (minimum combined area of 12m², minimum dimension for any required balcony of 2.4m), and d) The outdoor living court must not be located on a side of the residential unit facing within 45° either side of due South, and must be readily accessible from a living area of the unit. | SCr.30.2 Not applicable | SCr.30.3 Activities that contravene a permitted condition are discretionary. |

| Assessment Criteria | Explanation |
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| <p>SCr.29.4</p> <p>a) the appropriateness of undertaking the activity within this area.</p> <p>b) effects on water quality.</p> <p>c) effects on public access and recreation.</p> <p>d) effects on indigenous vegetation and the habitat of e) indigenous fauna effects.</p> <p>e) the effects on sites of cultural importance</p> <p>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins.</p> <p>g) the values of coastal waters listed in Appendix 4 (marine ASCV overlay) and Appendix 6 (riparian and coastal margin overlays).</p> | <p>SCr.29.5</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 in a Flood Path Overlay or Inundation Overlay are regulated by separate rules - Rules SCr.54 (flood path overlays) and SCr.55 (inundation overlays).</p> <p>Structures in the Leisure Area are regulated by rule SCr.49 (leisure area – buildings on seaward side of Wakefield Quay) and SCr.50 (leisure area – landward side of Wakefield Quay)</p> |
| <p>SCr.30.4</p> <p>a) whether alternative outdoor space is available adjacent or near to the site.</p> <p>b) with an existing building, whether provision of a living court is impracticable.</p> <p>c) the likely needs of the future occupants of the residential unit.</p> | <p>SCr.30.5</p> <p>A requirement for a minimum outdoor living area is included, as, apart from this rule, there are no controls on maximum building coverage meaning there is no requirement to leave some space free of buildings.</p> <p>The living court requirements are not as high as in the Residential Zone, recognising that the amenity requirements of the two zones differ.</p> <p>The rule recognises that residential use may occur above shops or other premises which are not specifically designed for residential living. The rule therefore provides for a small balcony as an alternative to ground floor open space.</p> <p>Consent may be granted to further reduce a living court or waive the living court requirement in certain circumstances eg. if the development fronts onto a public park.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.31 Parking and loading | <p>SCr.31.1</p> <p>Parking, loading, manoeuvring, and queuing 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):</p> <p>a) except at the Stoke Centre where parking is not required for activities but any provided on a site must meet the design and layout standards in Appendix 10 (including for manoeuvring, and queuing areas).</p> | <p>SCr.31.2</p> <p>Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if:</p> <p>a) a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit.</p> <p>Control reserved over:</p> <p>i) number of vehicle parks, and</p> <p>ii) type and size of vehicle parks, and</p> <p>iii) location of vehicle parking, and</p> <p>iv) manoeuvring to and from vehicle parking.</p> | <p>SCr.31.3</p> <p>Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if:</p> <p>a) for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit,</p> <p>or</p> <p>b) for other activities:</p> <p>i) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and</p> <p>ii) where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion SCr.31.4.</p> <p>Discretion restricted to:</p> <p>i) number of parking spaces (and any loading spaces) provided, and</p> <p>ii) the surfacing of the area, and</p> <p>iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and</p> <p>iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.</p> <p>Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.</p> |
| SCr.32 Access | <p>SCr.32.1</p> <p>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 sections 4.3.7d)1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010.</p> | <p>SCr.32.2</p> <p>not applicable</p> | <p>SCr.32.3</p> <p>Activities that contravene a permitted condition are discretionary.</p> |
| SCr.33 Access – Main Road Stoke (Pt Sec 60 Subdn Sth Dist Blk VII Waimea, CT 32/83, Planning Map 29) | <p>SCr.33.1</p> <p>Development beyond the state of development on the 1st day of January 2000 (including subdivision) of any land originally comprising Pt Sec 60 Subdn Sth Dist Blk VII Waimea, CT 32/83, is permitted only if:</p> <p>a) a single access road onto Main Road, Stoke, at the location of the proposed road on Planning Map 29 is constructed in accordance with Appendix 26 (access road to Main Road Stoke); and</p> <p>b) there is no direct vehicle access from any site onto Main Road, Stoke, except via the road referred to in a).</p> | <p>SCr.33.2</p> <p>not applicable</p> | <p>SCr.33.3</p> <p>Activities that contravene a permitted condition are non-complying.</p> |

| Assessment Criteria | Explanation |
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| <p>SCr.31.4</p> <p>a) refer to Appendix 10.</p> <p>b) the effects of parking or loading areas in pedestrian safety, having regard to the level of foot traffic in the area.</p> <p>c) the extent to which alternative methods of access for goods may be available, such as providing a goods loading zone adjacent to the site and/or restricting the times of delivery or dispatch of goods.</p> <p>d) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought:</p> <p>i) The nature and scale of the activity and associated parking demands from employees and visitors/customers;</p> <p>ii) Proposed means of reducing parking demands, such as;</p> <ul style="list-style-type: none"> • Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies • Sharing parking spaces between complementary uses and spreading peak loads • Encouraging more use of public transport, walking and cycling <p>iii) Proposed means of monitoring outcomes.</p> | <p>SCr.31.5</p> <p>Refer to Appendix 10.</p> <p>Parking is provided collectively in the Stoke Centre, therefore provision of parking by individual sites is not mandatory. However, if parking is provided it must meet the normal standards for layout and design.</p> <p>Note that vehicle crossings are restricted across the inside of Strawbridge Square - Rule SCr.32 (access). The Stoke Centre is defined in Chapter 2 Meaning of Words.</p> |
| <p>SCr.32.4</p> <p>a) refer to Appendix 11.</p> <p>b) the extent to which alternative methods of access for goods may be available, such a providing a goods loading zone adjacent to the site or restricting the times of delivery or dispatch of goods.</p> <p>c) the effects on traffic and pedestrian movement and safety.</p> | <p>SCr.32.5</p> <p>Refer to Appendix 11.</p> <p>Vehicle crossings are not provided as of right on the inside of Strawbridge Square, in order to promote a better and safer pedestrian environment. A crossing in these situations may be granted by resource consent, having regard to the impacts on pedestrian traffic, and the needs of the activity concerned.</p> <p>Small unstaffed network utility buildings (see Chapter 2 Meaning of Words) are exempt from this requirement as access is rarely required and therefore greater formation standards are not justified.</p> |
| <p>SCr.33.4</p> | <p>SCr.33.5</p> <p>Pt Sec 60 Subdn Sth Dist Blk VII Waimea comprises the former "Mr Beans" fruit and vegetable stall, and the land adjoining it. The land was rezoned partly Residential and part Suburban Commercial as a result of submissions to the Proposed Plan, and which was then referred to the Environment Court. The NZ Transport Agency, the administering authority for Main Road, Stoke and the Council agreed to the rezoning if all traffic to and from the land was channelled through a single access point onto Main Road, Stoke. Because of the high traffic volumes and speeds on Main Road, Stoke, the new access road is required to be designed to appropriate engineering standards to minimise traffic conflicts on Main Road, Stoke. This is to ensure the safety of all road users including traffic entering and exiting the rezoned land.</p> |

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

| Assessment Criteria | Explanation |
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| SCr.34.4 a) the Assessment Criteria in Appendix 20 apply. | SCr.34.5 See Appendix 20. |
| SCr.35.4 a) effects on adjacent and adjoining uses. b) the extent to which additional light may adversely affect occupation of residential properties. c) the effect on traffic safety. d) the positive effects of improved pedestrian safety and security. e) the type of light, including its strength, and hours of operation. | SCr.35.5 The rule is to prevent unreasonable levels of light spilling onto neighbouring properties. Different levels are specified for light received on sites within the Zone, compared to sites within the Residential Zone. This recognises the greater sensitivity of areas containing dwellings. |
| SCr.36.4 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 within the Zone, and neighbouring zones. c) whether the noise is likely to detract from the general environmental quality being proposed for the Zone, or the amenity of the Residential Zone. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. | SCr.36.5 The rule is to prevent unreasonable levels of noise affecting neighbouring properties. Different levels are specified for noise received in the Suburban Commercial Zone, compared to a residential area. This recognises the greater sensitivity of areas containing dwellings and generally lower ambient levels. Noise has a major influence on the amenity of an area. For this reason any proposal for noise in excess of the permitted standard will be assessed as a discretionary activity where it affects a Residential Zone. NZS 6801:1991 is New Zealand Standard (Measurement of Sound). NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound). |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.37 Noise At residential boundary | SCr.37.1 a) Noise levels measured at, or within, the boundary of any site in the Residential Zone must not exceed: Day Time L 10: 55 dBA Other Times L10: 45 dBA Lmax: 75 dBA Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991. c) Parts (a) and (b) of the rule do not apply to building and demolition activities, which, when assessed at, or within, any site within the Residential Zone, must comply with the provisions of NZS6803: P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition". | SCr.37.2 not applicable | SCr.37.3 Activities that contravene a permitted condition are discretionary. |
| SCr.38 Vibration | SCr.38.1 No vibration created on a site may be discernible at any other site. | SCr.38.2 not applicable | SCr.38.3 Activities that contravene a permitted condition are discretionary. |

| Assessment Criteria | Explanation |
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| SCr.37.4 See SCr.36.4 (noise) | SCr.37.5 See SCr.36.5 (noise) Note that rules INr.39 (airport noise) and INr.40 (port noise) in the Industrial Zone regulate the emission of noise from the airport and the port. |
| SCr.38.4 a) the length of 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 being proposed for the Zone, or the amenity of the Residential Zone. | SCr.38.5 Like noise, vibration can have a major impact on people's enjoyment of their property. This is particularly so for residential properties. For this reason any departure from the permitted standard has been deemed a non-complying activity. |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.39 Closing times - services to the public | SCr.39.1 a) Any activity located within 50 m of a Residential Zone boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and b) Any activity located more than 50 m 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 - 3am the following day, and c) Any activity located anywhere in the zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm. | SCr.39.2 not applicable | SCr.39.3 Activities that contravene a permitted condition are discretionary. |
| SCr.40 Hazardous substances - use and storage | SCr.40.1 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). | SCr.40.2 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. | SCr.40.3 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. |
| SCr.41 Radioactive material | SCr.41.1 The use or storage of radioactive material is permitted if: a) the material is used for clocks, watches, or other instruments containing luminous material, smoke detectors, or ionisation and electron capture detectors for use in gas chromatography or b) the amount does not exceed 0.1 terabecquerel. | SCr.41.2 not applicable | SCr.41.3 Activities that contravene a permitted condition are discretionary, if a) the amount does not exceed 1 terabecquerel. |

| Assessment Criteria | Explanation |
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| <p>SCr.39.4</p> <ul style="list-style-type: none"> a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites. b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation. c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures. d) the topography of the site and the neighbouring areas. e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities. f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity. g) whether the activity is temporary, and the frequency of such events (where applicable). | <p>SCr.39.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to the sale of liquor aspects of activities.</p> |
| <p>SCr.40.4</p> <p>Assessment Criteria in Appendix 21.</p> | <p>SCr.40.5</p> <p>See Appendix 21.</p> |
| <p>SCr.41.4</p> <ul style="list-style-type: none"> a) the type of radioactive source proposed and its relative activity. b) compliance with the relevant National Radiation Laboratory code of practice. c) the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site. d) transportation routes, particularly through residential areas, and methods. | <p>SCr.41.5</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 or dentists.</p> <p>The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants.</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 preamble to Rule Table).</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.42 Aerials | SCr.42.1 Aerials are permitted if: a) any dish antenna does not exceed a diameter of 3m, and b) 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), and c) aerials attached to any building do not exceed the height of the building by more than 7m, and d) aerials that are not attached to a building do not exceed 18m in height, and the aerial complies with the daylight over provisions in Appendix 15 (daylight admission – residential) with respect to any boundary with land zoned Residential, and e) the supporting mast does not exceed 450mm diameter. | SCr.42.2 not applicable | SCr.42.3 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: i) visual effects (including cumulative effects), and ii) practical alternatives, and iii) design and appearance of the structure (including its height and bulk) and method of mounting, and iv) siting of the structure, and v) landscaping or other treatment, and vi) the shading effects of the structure, and vii) effects on heritage values. Discretionary Activity Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary. |

| Assessment Criteria | Explanation |
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| <p>SCr.42.4</p> <ul style="list-style-type: none"> a) the visual impacts of the structure on the streetscape and the general public. b) any shading posed by the structure. c) how prominent the site is, taking account of any significant public or private views or any significant landscapes. d) the extent to which any heritage or cultural values of the site or adjoining sites might be compromised by the structure. e) the height and bulk of the structure. f) the extent to which design, colour scheme or screening (eg. locating it below the parapet) might mitigate the adverse effects of the structure. g) the cumulative effects of additional aerials and structures, taking account of the impacts of existing aerials on the site and on adjacent sites. | <p>SCr.42.5</p> <p>The height controls are generous and there should be little reason to breach these standards.</p> <p>Dish antennas tend to be bulkier than traditional aerials, and potentially more visually intrusive. Hence special controls relate to their location on heritage buildings to ensure they do not affect the public enjoyment of these buildings.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.43 Radiofrequency exposure levels | <p>SCr.43.1</p> <p>Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <ul style="list-style-type: none"> i) 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 ii) 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 iii) 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><u>Exclusion</u></p> <p>Conditions (ii), and (iii) 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>SCr.43.2</p> <p>not applicable</p> | <p>SCr.43.3</p> <p>Activities that contravene permitted condition (a) (i) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p> |
| SCr.44 Network utility - above ground and underground utilities | <p>SCr.44.1</p> <ul style="list-style-type: none"> a) Any underground network utility is permitted except: <ul style="list-style-type: none"> i) any high pressure gas line exceeding a gauge pressure of 2000 kilopascals, and b) Any above ground network utility is not permitted except: <ul style="list-style-type: none"> i) maintenance and operation of existing utilities, or ii) network utility buildings and substations, or iii) small above ground parts of an underground utility (eg. Junction boxes), or iv) as explicitly provided for elsewhere in this rule table. | <p>SCr.44.2</p> <p>not applicable</p> | <p>SCr.44.3</p> <p>Activities that contravene a permitted condition are discretionary.</p> |

| Assessment Criteria | Explanation |
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| <p>SCr.43.4</p> <ul style="list-style-type: none"> a) the potential effects of any increase of radiofrequency exposures 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>SCr.43.5</p> <p>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> |
| <p>SCr.44.4</p> <ul style="list-style-type: none"> a) any hazard presented by the utility. b) the environmental setting of the structure, having regard to the general locality, topography, geographical features and adjacent land uses. c) the visual impacts of the structure on residential or recreational use of land in the vicinity, and on significant ridge lines and view planes from public places, including roads. d) the scale, bulk and height of the facility. e) screening or landscaping of the utility and any modifications to its colour and design to reduce the visual effect of the utility on the surrounding environment. f) any constraints on placing the utility underground. | <p>SCr.44.5</p> <p>Provision is made for lower pressure gas lines as permitted activities, but high pressure lines which present a higher risk need to be assessed as discretionary activities.</p> <p>The electricity and telephone network is an important part of the city's infrastructure. They, and similar facilities, are permitted if located under ground. However, overhead lines have the potential to detract from the streetscape, and have to be dealt with as discretionary activities. Maintenance and operation of existing utilities is permitted in accordance with the definition of "maintenance" in Chapter 2 Meaning of Words.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.45 Structures on the road reserve | SCr.45.1 Structures on the road reserve are permitted if: <ul style="list-style-type: none"> 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 6m² floor area and 3.5m high. | SCr.45.2 not applicable | SCr.45.3 Activities that contravene a permitted condition are discretionary. |
| SCr.46 Network utility - roads | SCr.46.1 The construction of any new road is permitted if: <ul style="list-style-type: none"> a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with. | SCr.46.2 not applicable | SCr.46.3 Activities that contravene a permitted condition are discretionary. |
| SCr.47 Building on low lying sites | SCr.47.1 Building is permitted if: <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> i) in accordance with NZS 4431:1989 (Code of practice for earthfill for residential development), and ii) such that stormwater runoff from the site is not directed onto other sites, or into any river or stream, and that natural water flows from other sites are not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: <ul style="list-style-type: none"> i) concrete floor: 15.50m ii) timber floor: 15.65m | SCr.47.2 not applicable | SCr.47.3 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 |
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| <p>SCr.45.4</p> <ul style="list-style-type: none"> a) the size and scale of the structures. b) any visual impacts, taking account of the character of the area. c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road. | <p>SCr.45.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p> |
| <p>SCr.46.4</p> <ul style="list-style-type: none"> a) the matters in the NCC Development Manual 2010. b) the noise and air emissions from the road, taking account of the nature of nearby activities. c) any implications for traffic and pedestrian safety, both positive and adverse. d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e) any impacts on communities eg. whether the road would divide a neighbourhood. f) any opportunities to provide views and vistas from the road. | <p>SCr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p> |
| <p>SCr.47.4</p> <ul style="list-style-type: none"> a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) the matters in section 4 of the NCC Land Development Manual 2010. | <p>SCr.47.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule SCr.48 (earthworks) where a site is to be filled.</p> <p>This low lying site rule does not apply within the Inundation Overlay.</p> |

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

| Assessment Criteria | Explanation |
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| <p>SCr.48.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in SCr.48.2, and restrict its discretion to the matters listed in SCr.48.3.</p> | <p>SCr.48.5</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. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation.</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>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 and coastal erosion), or sedimentation effects. Most rivers are included in the Riparian Overlay shown on the Planning Maps.</p> <p>Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p>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. Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and 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 an 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> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.48A Landfill [Note: This rule is a regional and a district rule] | SCr.48A.1 Landfills are not a permitted activity | SCr.48A.2 Not applicable | SCr.48A.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 ³ , and b) the landfill accepts only cleanfill material. Discretion is restricted to those matters listed in SCr.48.3 (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. |

| Assessment Criteria | Explanation |
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| <p>SCr.48A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in SCr.48A.3 provided that the application does not contravene a restricted discretionary condition.</p> | <p>SCr.48A.5</p> <p>Landfill development and operation are restricted 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 potential 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> |

Rules relating to Overlays and Areas on the Planning Maps

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| <p>SCr.49 Leisure area Buildings on seaward side of Wakefield Quay</p> | <p>SCr.49.1 On the seaward side of Wakefield Quay, alteration to any building is permitted, if: a) the work is on the interior of a building, or b) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and c) it is carried out with materials similar to, or having the same appearance to those originally used, and d) the work is not erection of a new building.</p> | <p>SCr.49.2 not applicable</p> | <p>SCr.49.3 On the seaward side of Wakefield Quay, erection of any new building, or alteration of any existing building which contravenes a permitted condition, is discretionary.</p> |
| <p>SCr.50 Leisure area Landward side of Wakefield Quay</p> | <p>SCr.50.1 On the landward side of Wakefield Quay, alteration to any building is permitted, if: a) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and b) it is carried out with materials similar to, or having the same appearance to those originally used, or c) the work is on the interior of a building, and d) the work is not erection of a new building.</p> | <p>SCr.50.2 On the landward side of Wakefield Quay, erection of any new building, or alteration of any existing building which contravenes a permitted condition, is controlled if: a) the building (except for any aerial) does not penetrate a recession plane: (i) constructed from the seaward edge of the road reserve (at the same relative level as the crown of the carriageway), and inclined at an angle of 30° towards the sea cliffs; or (ii) in the case of the land held in Pt DP 1492, Pt Sec 34 City of Nelson, Lot 5 DP 2274, & Lot 1 DP 9634, constructed from 10m vertically above the road boundary of the site, and inclined into the site at an angle of 50°; or b) in the case of an existing building which exceeds (a), the height of the building remains unaltered. Control reserved over: i) design and appearance of the building, and ii) landscaping, and iii) location of vehicle accesses. Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p> | <p>SCr.50.3 Activities that contravene a controlled standard are discretionary.</p> |

| Assessment Criteria | Explanation |
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| <p>SCr.49.4</p> <ul style="list-style-type: none"> a) the effects on the views of the Haven, Boulder Bank and beyond, from Wakefield Quay and vantage points within the Leisure Area. b) the appearance of any building viewed from the Coastal Marine Area, and Wakefield Quay. c) the extent to which views from private property or other sites are affected. d) the extent to which the activity enhances or otherwise affects public access and use of the sea and waterfront. e) the extent to which the activity integrates with other activities in the area. f) effects on the safe and efficient operation of Wakefield Quay. g) the ability to provide adequate parking, and safe access and egress from the site. h) provision for safe pedestrian areas and movement. i) the extent to which the activity affects or enhances the historic and natural elements of the area, including the old sea wall and the Stony Beach. | <p>SCr.49.5</p> <p>Buildings on the seaward side of Wakefield Quay need to be carefully assessed in terms of their appearance, impacts on views, and effects on public access, and use of the neighbouring Coastal Marine Area.</p> |
| <p>SCr.50.4</p> <ul style="list-style-type: none"> a) the appearance of any building viewed from the Coastal Marine Area, and Wakefield Quay. b) the extent to which views from private property or other sites are affected. c) the extent to which the activity integrates with other activities in the area. d) effects on the safe and efficient operation of Wakefield Quay. e) the ability to provide safe access and egress from the site. f) provision for safe pedestrian areas and movement. | <p>SCr.50.5</p> <p>The recession plane is to protect views to the Haven from properties situated above the Leisure Area.</p> <p>The appearance of buildings is controlled to ensure a high standard of design, recognising the sensitivity of the coastal location, and of enhancement of the seaward side of the area.</p> <p>Note: Any building must comply with the height limit for the Leisure Area set out in Rule SCr.22 (maximum building height), as well as all other relevant rules.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.51 Coastal Environment Overlay | SCr.51.1 Note: no special rules apply to this overlay. The overlay is to advise that the natural character of the coastal environment is of significance. | SCr.51.2 not applicable | SCr.51.3 not applicable |
| SCr.52 Land Management Overlay Vegetation clearance | SCr.52.1 In the Land Management Overlay, vegetation clearance is not a permitted activity. | SCr.52.2 not applicable | SCr.52.3 Activities that contravene a permitted condition are discretionary. |
| SCr.53 Riparian Overlay Activities on land identified with riparian values | SCr.53.1 On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6 (riparian or coastal areas with priority values), 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. | SCr.53.2 On land within the Riparian Overlay listed in Table 6.2 of Appendix 6 extension of a utility service line or structure is controlled. Control reserved over: i) damage to indigenous vegetation, and ii) disturbance to riverbanks, and iii) remedial measures. | SCr.53.3 Activities that contravene a permitted condition are discretionary. |
| SCr.54 Flood Path Overlays | SCr.54.1 In any Flood Path Overlay, the following are not permitted activities: a) erection or extension of any building or structure, except: i) underground network utility lines, and ii) 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 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). | SCr.54.2 not applicable | SCr.54.3 Activities that contravene a permitted condition are discretionary. |

| Assessment Criteria | Explanation |
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| <p>SCr.51.4</p> <p>a) in the case of discretionary applications, consideration will be given to the nature of the activity and its effect on the natural character of the coastal environment.</p> | <p>SCr.51.5</p> <p>This rule ensures that the natural character of the coastal environment is not compromised by activities in this area.</p> |
| <p>SCr.52.4</p> <p>a) loss of topsoil or movement of soil down slope.</p> <p>b) the potential for slope failure.</p> <p>c) damage to structures or adjoining properties.</p> <p>d) the method and timing of the activity.</p> <p>e) the area to be cleared at any one time.</p> <p>f) the provision of structures to control soil erosion or sedimentation.</p> <p>g) the timing and techniques used for revegetation.</p> <p>h) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated.</p> <p>i) visual effects.</p> | <p>SCr.52.5</p> <p>This rule generally follows the pattern of the Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Land Disturbance Plan, that is, land that has higher risks of erosion and sedimentation. In this Zone, the overlay areas are the old sea cliffs behind Haven Road and Wakefield Quay.</p> <p>Earthworks in the Land Management Overlay are dealt with under Rule SCr.48 (earthworks).</p> |
| <p>SCr.53.4</p> <p>a) the values for esplanade purposes stated in Appendix 6, Table 6.2, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>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.</p> <p>c) any circumstances making the future setting aside of a esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</p> <p>d) whether a lesser distance than specified might adequately protect the esplanade values.</p> <p>e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</p> | <p>SCr.53.5</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.</p> <p>In the case of Riparian 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>SCr.54.4</p> <p>a) any effects of the development on floodpaths.</p> <p>b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</p> <p>c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</p> <p>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.</p> | <p>SCr.54.5</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> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| <p>SCr.55 Inundation Overlays Low lying ground susceptible to localised stormwater ponding or tidal inundation</p> | <p>SCr.55.1 In any Inundation Overlay, with the exception of network utilities and structures (which are permitted), the following are not permitted activities:</p> <ul style="list-style-type: none"> a) erection of any building or extension of the ground floor of any building by more than 20% (the restrictions in this clause do not apply where the ground level of 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 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). | <p>SCr.55.2 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:</p> <ul style="list-style-type: none"> 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. | <p>SCr.55.3 Activities that contravene a permitted condition or a controlled standard are discretionary.</p> |
| <p>SCr.56 Heritage Buildings, Places and Objects Alterations to Group A and B items</p> | <p>SCr.56.1 Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if:</p> <ul style="list-style-type: none"> a) <ul style="list-style-type: none"> i) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and ii) 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). | <p>SCr.56.2 not applicable</p> | <p>SCr.56.3</p> <ul style="list-style-type: none"> a) Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted activity is discretionary. b) Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted activity is a restricted discretionary activity (non-notified). <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) design and appearance. <p>Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act</p> |

| Assessment Criteria | Explanation |
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| <p>SCr.55.4</p> <ul style="list-style-type: none"> a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) the provision of an adequate secondary flow path for surface flooding. e) the possibility of an overloaded public storm water system overflowing onto private property. | <p>SCr.55.5</p> <p>The Inundation Overlays do not show flood paths 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>Extensions which increase the ground floor by not more than 20% are provided for as a permitted activity to avoid the need to obtain resource consents for minor alterations.</p> |
| <p>SCr.56.4</p> <ul style="list-style-type: none"> a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located. 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. 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. The degree of compliance with the Design Guide for the Russell St Heritage Precinct where relevant. d) the degree to which the addition or alteration is compatible with the heritage building, place or object, and whether the alteration or addition, if not in sympathy with the heritage building or object, is clearly distinguishable from the original as new work. e) the ability of the applicant to develop or use the site without the alteration, and the economic effects of this. f) whether the heritage value of the building, place or object has altered since the item was listed in the Plan. g) any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole. | <p>SCr.56.5</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> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| <p>SCr.57 Heritage Buildings, Places and Objects New Buildings on the site of a Heritage Item</p> | <p>SCr.57.1 Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p> | <p>SCr.57.2 Erection of a new building on the site of a Group A or Group B heritage item is controlled. Control reserved over: i) design and appearance in relation to existing heritage item ii) distance of new building from, and location and relationship to existing heritage item</p> | <p>SCr.57.3 not applicable</p> |
| <p>SCr.58 Heritage Buildings, Places and Objects Demolition or removal of Group A and B items</p> | <p>SCr.58.1 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.</p> | <p>SCr.58.2 not applicable</p> | <p>SCr.58.3 Group B Whole or partial demolition or removal of any Group B heritage building, place or object listed in Appendix 1 is discretionary.</p> <p>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.</p> |
| <p>SCr.59 Heritage Buildings, Places and Objects Demolition or removal of Group C items</p> | <p>SCr.59.1 Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if: 2 months written notice is given to the Council prior to the work being done.</p> | <p>SCr.59.2 not applicable</p> | <p>SCr.59.3 Activities that contravene the permitted conditions are discretionary.</p> |

| Assessment Criteria | Explanation |
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| <p>SCr.57.4</p> <ul style="list-style-type: none"> 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. b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used. 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. | <p>SCr.57.5</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> |
| <p>SCr.58.4</p> <ul style="list-style-type: none"> a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located. 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. 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. 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. 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. f) the ability of the applicant to economically develop or use the site without demolition, alteration or removal. 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. (The degree of compliance with the Design Guide for the Russell Street Heritage Precinct where relevant). h) whether the heritage value of the building, place or object has altered since the item was listed in the Plan. 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. | <p>SCr.58.5</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 may have a greater adverse effect.</p> |
| <p>SCr.59.4</p> <ul style="list-style-type: none"> a) whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item. | <p>SCr.59.5</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 voluntary 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 |
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| <p>SCr.60 Heritage Precincts Alterations to any building (including listed Heritage Buildings)</p> | <p>SCr.60.1 Alteration to any part of a building, visible from a road or public space within or adjoining a heritage precinct, is permitted, if:</p> <ul style="list-style-type: none"> 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. | <p>SCr.60.2 not applicable</p> | <p>SCr.60.3 Alteration to any part of a building is a restricted discretionary activity, if:</p> <ul style="list-style-type: none"> a) it is visible from a road or public space within or adjoining a heritage precinct, and b) the alteration contravenes the permitted conditions in this rule, and c) It complies with all other Suburban Commercial rules except rules SCr.22 (maximum building height) and SCr.31 (parking and loading). <p>Discretion restricted to:</p> <ul style="list-style-type: none"> 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 amount and location of parking and garaging. <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p> |

| Assessment Criteria | Explanation |
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| <p>SCr.60.4</p> <ul style="list-style-type: none"> a) particular regard will be had to compliance with the Design Guide for the Russell St Heritage Precinct where relevant. b) In addition regard will be had to: <ul style="list-style-type: none"> i) any effects (positive and adverse) on the heritage values of the entire heritage precinct. ii) any cumulative or precedent effects on the heritage values of the precinct. | <p>SCr.60.5</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 are spelt out in the design guideline for that precinct (see section AD10.2 – documents related to this plan). 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, and site area which can vary between precincts, and where the normal rules may not be appropriate. See also Ap20r.4 in relation to signs on heritage buildings and trees.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| SCr.61 Heritage Precincts Erection of new buildings | SCr.61.1 Erection of new buildings is not a permitted activity. | SCr.61.2 not applicable | SCr.61.3 Erection of any new building is a restricted discretionary activity provided it complies with all other Suburban Commercial rules except rules SCr.22 (maximum building height) and SCr.31 (parking and loading). 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, and iv) minimum site area required per residential unit, and v) the amount and 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. |
| SCr.62 Heritage Precincts Removal or demolition of listed Heritage Buildings | SCr.62.1 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. | SCr.62.2 not applicable | SCr.62.3 Activities that contravene the permitted conditions: a) Group A or B buildings - Rule SCr.58 (demolition or removal of Group A and B items) applies. b) Group C - Rule SCr.59 (demolition or removal of Group C buildings) applies. |

| Assessment Criteria | Explanation |
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| <p>SCr.61.4</p> <ul style="list-style-type: none"> a) particular regard will be had to compliance with the design guide for the particular residential precinct. b) any effects (positive and adverse) on the heritage values of the entire heritage precinct. c) any cumulative effects on the heritage values of the precinct or any effects which may establish a precedence within the precinct. | <p>SCr.61.5</p> <p>The rules aim to get a gradual enhancement in the heritage precinct by ensuring that if any building is replaced 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, 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 SCr.72 (heritage precincts - subdivision).</p> |
| <p>SCr.62.4</p> <ul style="list-style-type: none"> a) the Assessment Criteria for Rules SCr.58 (demolition or removal of Group A and B items) and Rule SCr.59 (demolition or removal of Group C items) apply as appropriate. b) in addition, particular regard will be had to: <ul style="list-style-type: none"> i) compliance with the design guide for the particular residential precinct. ii) any effects (positive and negative) on the heritage values of the entire heritage precinct iii) any cumulative or precedent effects on the heritage values of the precinct. | <p>SCr.62.5</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> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| <p>SCr.63 Heritage Trees Trimming of a Heritage Tree identified in Appendix 2</p> | <p>SCr.63.1 Trimming of a Heritage Tree is permitted if:</p> <p>a)</p> <ul style="list-style-type: none"> 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 ii) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and <p>b) the work is done in accordance with accepted arboricultural practice.</p> | <p>SCr.63.2 not applicable</p> | <p>SCr.63.3 Activities that contravene a permitted condition are discretionary.</p> |

| Assessment Criteria | Explanation |
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| <p>SCr.63.4 - SCr.67.4</p> <ul style="list-style-type: none"> a) the condition of the tree, including any significant potential hazard to people or property. b) the extent to which the tree or trees contribute to the amenity of the neighbourhood. c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place. d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property. e) the extent to which the tree would seriously restrict the development potential of the site. f) any hardship or significant nuisance the tree causes to any person g) any substitute or compensating tree planting or landscaping proposed. h) 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). i) in the case of a tree in the road reserve, in addition to the above: <ul style="list-style-type: none"> i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic. ii) whether alternatives to removing or damaging the tree have been adequately explored. 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"> i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river. ii) whether alternatives to removing or damaging the tree have been adequately explored. | <p>SCr.63.5</p> <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> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| <p>SCr.64 Landscape Trees Trimming of a Landscape Tree identified in Appendix 2</p> | <p>SCr.64.1 Trimming of a Landscape Tree is permitted if:</p> <ul style="list-style-type: none"> a) it is crown thinning (as defined in Chapter 2), and b) the work is done in accordance with accepted arboricultural practice. | <p>SCr.64.2 Activities that contravene a permitted condition are controlled. Control reserved over:</p> <ul style="list-style-type: none"> i) amount, proximity to tree trunk, timing and manner in which the trimming is carried out. <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p> | <p>SCr.64.3 not applicable</p> |
| <p>SCr.65 Heritage and Landscape Trees Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p> | <p>SCr.65.1 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:</p> <ul style="list-style-type: none"> 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, and e) except where the tree is on Road Reserve, where activities are permitted if: <ul style="list-style-type: none"> 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. | <p>SCr.65.2 Activities within the root protection zone of Landscape or Heritage Trees on road reserve that contravene a permitted condition are controlled. Control is reserved over:</p> <ul style="list-style-type: none"> i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and ii) remedial measures. <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p> | <p>SCr.65.3 Activities within the root protection zone of Landscape or Heritage Trees (not on road reserve) that contravene a permitted condition are discretionary.</p> |

| Assessment Criteria | Explanation |
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| | <p>SCr.64.5</p> <p>Crown thinning is permitted for Landscape Trees.</p> <p>The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage Trees, but still important.</p> <p>Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p>Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p> |
| | <p>SCr.65.5</p> <p>Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| <p>SCr.66 Heritage and Landscape Trees Removing or destroying a Heritage or Landscape Tree identified in Appendix 2</p> | <p>SCr.66.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity.</p> | <p>SCr.66.2 not applicable</p> | <p>SCr.66.3 Landscape Trees removing or destroying a Landscape Tree is a discretionary activity. Heritage Trees removing or destroying a Heritage Tree is a non-complying activity.</p> |
| <p>SCr.67 Local Trees Removing a Local Tree identified in Appendix 2</p> | <p>SCr.67.1 Removing a Local Tree is permitted if: a) written notice is given to Council at least 1 week prior to work being done.</p> | <p>SCr.67.2 not applicable</p> | <p>SCr.67.3 Activities that contravene a permitted condition are discretionary.</p> |
| <p>SCr.68 Archaeological sites</p> | <p>SCr.68.1 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.</p> | <p>SCr.68.2 not applicable</p> | <p>SCr.68.3 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).</p> |

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

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

| Assessment Criteria | Explanation |
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| <p>SCr.69.4</p> <ul style="list-style-type: none"> a) the location of the site in relation to the noise contour, and the main source of the noise. b) the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure. c) the nature of the activity, and its susceptibility to noise. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. e) the potential cumulative effects of an increased exposure to noise. | <p>SCr.69.5</p> <p>The rule is based on the predicted exposure of the site area within the overlay to noise levels from the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise.</p> <p>The acoustic insulation standards in Appendix 19 provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.</p> |
| <p>SCr.69A.4 not applicable</p> | <p>SCr.69A.5</p> <p>The rule is based on the predicted exposure of the site area within the overlay to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise.</p> <p>In order to ensure that the standard is met, certification of a suitably qualified and experienced acoustic engineer is considered appropriate.</p> |
| <p>SCr.69B.4 Schedule Sch. I (Residential Zone) applies.</p> | <p>SCr.69B.5</p> <p>Schedule Sch. I applies. Schedule I follows after the Residential Zone rule table (Chapter 7).</p> |
| <p>SCr.70.4 See Schedule Sch.L.</p> | <p>SCr.70.5</p> <p>See Schedule Sch.L which follows this rule table.</p> |

subdivision rules

Rules regarding subdivision (including within overlays)

| Item | Permitted | Controlled | Discretionary/Non-complying |
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| <p>SCr.71 Subdivision - general</p> <p>(except for subdivision located in the Heritage Overlay or Heritage Precinct)</p> | <p>SCr.71.1 Not a permitted activity</p> | <p>SCr.71.2 Any subdivision not located in the Heritage Overlay or Heritage Precinct is controlled, if:</p> <ol style="list-style-type: none"> a) it complies in all aspects with the relevant standards in Appendices 10 to 12. b) it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and c) esplanade reserves or strips as indicated in the Riparian Overlay, of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, and f) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land, and g) any existing buildings comply with the conditions for permitted activities, or a resource consent, and h) in respect of Marsden Valley Schedule I, compliance with Schedule I rules requiring subdivision layout and design to generally accord with Schedule I, Figure 1 Structure Plan, located in Chapter 7 Residential Zone. <p>Control reserved over:</p> <ol style="list-style-type: none"> i) the matters contained in the NCC Land Development Manual 2010, and ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and iv) protection of natural features, landscapes, heritage items and trees and Maori values, and v) riparian management, and vi) public access, and vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> • appropriate vehicle access, and • the intensity of buildings to be erected on each lot and the siting of such buildings, and • provision of services, and ix) stormwater management, and x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and xi) financial contributions in accordance with Chapter 6, and xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose, and xiii) in the Inundation Overlay, in addition to the matters listed above, control is reserved over: <ul style="list-style-type: none"> • finished ground level, and • the nature of infill, its compaction and placement. xiv) in Sch.I Marsden Valley area the matters contained in Schedule I and Schedule I, Figure 1. | <p>SCr.71.3 Any subdivision not located in the Heritage Overlay or Heritage Precinct that contravenes a controlled standard is discretionary if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if:</p> <ol style="list-style-type: none"> a) it complies with the minimum standards as defined in Section 1.1.1 General relating to stormwater and sewerage in Sections 5 & 6 of the NCC Land Development Manual 2010. |

suburban commercial zone

| Assessment Criteria | Explanation |
|--|--|
| <p>SCr.71.4</p> <ul style="list-style-type: none"> a) the matters in the NCC Land Development Manual 2010. b) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided, and c) the extent of compliance with Appendices 10 to 12, and d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services. e) 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. 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) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area. h) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land. i) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation. j) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction. k) financial contributions (see Chapter 6). l) the development potential of other adjacent land. m) the ground level required to avoid the effects of flooding. n) 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. o) effects on neighbouring properties, especially stormwater runoff. p) provision of adequate flow paths for surface flooding. q) the possibility of an overloaded public storm water system overflowing onto private property. r) effects of allotment size and shape, including on amenities of the neighbourhood and on the potential efficiency and range of uses of the land. s) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6 (riparian and coastal margin overlays), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act. t) 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. u) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants. v) 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). w) the assessment matters in Table DO6.1.1 regarding the type of protection appropriate in given circumstances. | <p>SCr.71.5</p> <p>Specific rules apply to subdivision activities proposed within the Heritage Overlay or Heritage Precinct (see Rule SCr.72 and SCr73).</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>There is no minimum size for allotments, leaving this to the market to determine. Subdividers should note that the proposed allotment should be capable of accommodating a building or an activity which complies with the rules in this Zone.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on sewers and other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the taking of esplanade reserves or strips unnecessary. In other cases a lesser width, or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values).</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for 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 SCr.48 (earthworks) where a site is being filled.</p> |

| Item | Permitted | Controlled | Discretionary/Non-complying |
|---|--|----------------------------|---|
| SCr.72 Heritage Precincts Subdivision | SCr.72.1 Subdivision is not a permitted activity. | SCr.72.2 not applicable | SCr.72.3 Subdivision in any Heritage Precinct is discretionary. |
| SCr.73 Heritage Overlays Subdivision (excluding Heritage Precincts) | SCr.73.1 Subdivision is not a permitted activity. | SCr.73.2 not applicable | SCr.73.3 Subdivision of any allotment shown on the Planning Maps to contain a Heritage Overlay (excluding a Heritage Precinct) is discretionary. |

| Assessment Criteria | Explanation |
|---|---|
| <p>SCr.72.4</p> <p>a) the application will be assessed for compatibility with the Design Guide for that precinct (see section AD10.2 – documents related to this Plan).</p> <p>b) The Assessment Criteria for rule SCr.71.4 (subdivision - general).</p> | <p>SCr.72.5</p> <p>Subdivision in the Heritage Precinct provides specific heritage related assessment matters in addition to those that would be applied to a subdivision consent application under SCr71 General. For subdivision in the Heritage Precinct, subdivision consent is only required under SCr72, 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 heritage precincts.</p> |
| <p>SCr.73.4</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 (ie. people's private property rights).</p> <p>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.</p> <p>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.</p> <p>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 Criteria for rule SCr.71 (subdivision - general).</p> | <p>SCr.73.5</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 SCr.71 General. For subdivision in the Heritage Overlay, subdivision consent is only required under SCr.73, 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> |

freshwater rules

Refer Appendix AP28.9 for freshwater rules.

Schedule Suburban Commercial Zone

Sch.I Marsden Valley

For provisions relating to Schedule I see Chapter 7, Residential Zone.

Schedule Suburban Commercial Zone

Sch.L Nayland Road Commercial Area

L.1 Application of the Schedule

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

L.2 Permitted activities

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

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

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

L.3 Controlled activities

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

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

L.4 Discretionary activities

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

L.5 Assessment criteria

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

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

L.6 Explanation

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

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

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