

meanings of words

MW.i Introduction

This Chapter defines the meaning of the words used in this Plan and in the Resource Management Act 1991, unless the context otherwise requires. Where a word is followed by an asterisk (*), the definition that follows is the meaning provided in the interpretation section of the Act and is repeated here to assist readers. In the case of any inconsistency, the statutory definition prevails.

MW.ii General rules of interpretation

- a) Any term which is not defined in this section has been used in its common meaning as defined in the Concise Oxford Dictionary (11th ed.).
- b) Lists of items (for example, conditions, standards and terms in rules) and subparagraphs within paragraphs are to be read conjunctively, where they are not otherwise specified.
- c) Singular includes plural and vice versa.
- d) Headings do not affect the interpretation of this Plan.
- e) Cross references are for the assistance of readers and are not necessarily exhaustive.

MW.iii Definitions

Abstraction of water taking of water from a water body for use or consumption.

Access means a practical permanent vehicular and pedestrian access from a formed road onto a site, either directly, or over another site subject to a registered easement of right of way appurtenant to the site.

Accessory building means a building, the use of which is incidental to that of any other building or buildings on the site, and in relation to a site on which no building has been erected, is incidental to any permitted activity on the site. On a residential site, a sleeping room detached from its residential unit is not an accessory building.

Acoustic Certificate means a certificate signed by a qualified acoustic engineer certifying an Acoustic treatment of a residential unit and specifying a certified level of port noise within a residential unit.^{07/01}

Acoustic Certificate Register

means the register kept by the Port Operator that contains a list of all sites that have an Acoustic Certificate, the date of the certificate and the certified level of port noise for that site.^{07/01}

Acoustic treatment

means acoustic treatment of a residential unit to achieve an indoor design level of 40 dBA L_{dn} (5 day) within all habitable spaces, either with ventilating windows open or with mechanical ventilation installed and operating, when port noise is at or below the certified level of port noise and shall include the cost of testing and obtaining an Acoustic Certificate.^{07/01}

Act*

means the Resource Management Act 1991.

Aerial

means an antenna or similar communication device formed by a rod, wire, dish or other structure by which radio, telephone or electromagnetic signals are transmitted or received. It includes any support structure and guy wires. An aerial may include a single mast or pole supporting several antennas. Where a wire or other antenna is supported between two or more poles, each pole is considered to be an aerial.

Aerial display

means any display of advertising material on or attached to a balloon, blimp or similar device that is tethered to the ground but otherwise free to move, and includes search-lights and laser light displays.

Aggregate

includes clays, silts, sands, gravels, cobbles and boulders.

Agrichemicals

means any substance, whether inorganic or organic, human-made or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related land use activity, to eradicate, modify or control flora and fauna.

Allotment*

has the meaning in the Act and includes the balance of any land from which any allotment is being, or has been subdivided.

Amenity values*

means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Aquaculture

means any:

- a) physical modification or disturbance of the foreshore or seabed, or
- b) placement of any structure, in, on or over foreshore or seabed, or in the water column, or
- c) occupation of foreshore, seabed, water column, or water surface, or
- d) introduction or planting of any exotic plant

for any of the purposes of enhancement, breeding, hatching, cultivating, rearing, or on-growing of fish, shellfish, aquatic life or seaweed for harvest; whether any such purpose includes aquaculture or the taking or holding of spat, or is investigative, experimental, or commercial in nature, but excludes any scallop enhancement programme being carried out pursuant to the Fisheries Act 1996.

Aquifer

means any water saturated permeable body of rock, sediment or soil capable of transmitting and yielding significant quantities of water that can be drawn by wells, or flow to the ground surface to form springs and/or wetlands.

Bed* in relation to any river -

- a) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks, and
- b) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.

Bedroom in relation to a residential unit, includes any room capable of being used as a bedroom, whether within the principal residential unit or in an accessory building, with a floor area greater than 4 m², but excludes any:

- a) dining room, kitchen, bathroom, toilet, laundry, or internal parking space such as a garage, or
- b) lounge, family room or living room, within the principal residential unit, or
- c) conservatory or sunroom not exceeding 10 m² where the walls and roof are at least 75% glazing, and where the conservatory or sunroom is not used or converted for sleeping accommodation.

Berthing structure means a structure intended for, or used for the berthing of vessels, and includes a wharf, jetty or dolphin.

Best practicable option* in relation to a discharge of a contaminant or an emission of noise, means the best method of preventing or minimising the adverse effects on the environment having regard, among other things, to:

- d) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects, and
- e) the financial implications, and the effects on the environment, of that option when compared with other options, and
- f) the current state of technical knowledge and the likelihood that the option can be successfully applied.

Billboard sites means sites administered by the Nelson City Council available for the purpose of electioneering and public event advertising, including Miyazu Park (to the south of the main cemetery gates, Queen Elizabeth II Drive) and Bishopdale (west side of Waimea Road to the south of Ulster Street).

Biodiversity corridor means a vegetated pathway of a minimum width of 20m that allows natural flows of organisms and biological resources along the corridor, and allows for biological processes within the corridor, and is either

- a) native and/or exotic vegetation that existed at 19 September 2009 within the biodiversity corridor, or
- b) vegetation to be planted in predominantly native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
- c) predominantly native vegetation indigenous to the area and ecosystem type to be planted to replace any vegetation within the corridor

except that the maintenance of roads, and the construction and maintenance of utility corridors and their structures are permitted within the biodiversity corridor, and the formation of required property accesses where there is no practicable alternative may transect any biodiversity corridor.^{PC13}

Bore or well	any structure advanced into the ground for the purpose of taking groundwater. Investigative drill holes are excluded from this definition.
Boundary	<p>means any boundary of a site and includes any road boundary. Site boundary has the same meaning as boundary.</p> <p>Road boundary means any boundary of a site abutting a legal road, including a common vehicle access serving five or more actual or potential residential units. Where a designation is shown on the Planning Maps, the road boundary, for the purposes of this Plan, is the proposed new road boundary as set out in Appendix 24 (designations).</p> <p>In the case of:</p> <ol style="list-style-type: none"> a) land subdivided under the cross lease or company lease system or the Unit Titles Act 1972 (other than strata titles), the boundaries are the boundaries of the areas or units held in the exclusive possession of any person, and b) strata titles under the Unit Titles Act 1972, the boundaries are the boundaries of the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision, and c) multiple residential units built on one certificate of title without subdivision, e.g. rental units, the boundaries are to be nominated boundaries shown on the site plan submitted with the resource or building consent. The boundaries must define a site sufficient to comply with the requirements of the Plan or a resource consent.
Building	<p>any structure, whether temporary or permanent, moveable or immovable, except for:</p> <ol style="list-style-type: none"> a) any scaffolding or falsework erected temporarily for maintenance or construction purposes, or b) uncovered swimming pools not higher than 1m above natural ground level, or c) fences and walls up to 2m in height, or d) masts, poles, clotheslines, and chimneys less than 1m wide and less than 3m in height above the point of attachment.
Building coverage	<p>means the percentage of the net area of a site which is covered by buildings, including overhanging or cantilevered parts of buildings. For a site in the Residential Zone it includes any area for required off-street car parking spaces which is not covered by buildings. The following are not included in building coverage:</p> <ol style="list-style-type: none"> a) pergolas and similar unroofed structures b) underground buildings where the rooftop is landscaped to be part of the section, including being developed into a courtyard or terrace area, or c) that part of eaves or bay or box windows projecting 600mm or less horizontally from any exterior wall, or d) outdoor swimming pools, decks or terraces which are not roofed over, or e) fences, walls and retaining walls, or f) for any residential activity any parking spaces after the second parking space (refer Appendix 10, Table 10.3.1 - carparking and queuing space requirements).
Building work	means work for or in connection with the construction, alteration or demolition of a building, and includes site work.

Certified level of port noise

means the maximum level of port noise that a residential unit subject to an Acoustic Certificate for acoustic treatment can receive, provided that the certified level of port noise for any residential unit is set 2dBA L_{dn} above the noise contour level for that site shown on the port noise contour map in the Port Noise Management Plan at the date the Certificate was issued.^{07/01}

Cleanfill material

solid material such as rock, clay, or soil, or inert building materials such as concrete or brick, but excluding any material which may be combustible, putrescible, degradable, leachable, or hazardous.

Coastal Environment

This is an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place, depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct, but inter-related, parts:

- a) the Coastal Marine Area, which extends from mean high water springs to the outer limits of the territorial sea (12 nautical mile limit)
- b) the active coastal zone
- c) the land backdrop

The coastal environment includes at least the coastal marine area, the water, plants, animals, and the atmosphere above it; and all tidal waters and foreshore (whether above or

below mean high water springs), dunes, beaches, areas of coastal vegetation and coastal associated animals, areas

subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands including estuaries.

Coastal Marine Area*

means the foreshore, seabed, and coastal water, and the air space above the water -

- a) of which the seaward boundary is the outer limits of the territorial sea.
- b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -
 - i). one kilometre upstream from the mouth of the river; or
 - ii). the point upstream that is calculated by multiplying the width of the river mouth by 5.

Coastal water*

means seawater within the outer limits of the territorial sea and includes:

- a) seawater with a substantial fresh water component, and
- b) seawater in estuaries, fiords, inlets, harbours or embayments.

Commercial activity

means the use of land, buildings and/or the surface of water bodies for the display, offering, provision, sale or hire of goods, equipment, or services, and includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial, and administrative offices, service stations,

^{07/01} Port Noise Variation Notified 14/07/07

motor vehicle sales, short term living accommodation, the sale of liquor and parking areas associated with the above; but excludes recreational, community, and service activities and home occupations.

Communication device

includes any aerial, navigational aid or beacon, meteorological equipment, or similar device.

Community activity

as it relates to the Ngawhatu Residential Area (Schedule E), means the use of land and buildings for the primary purpose of public health, welfare care, education, cultural and spiritual wellbeing, but excludes recreational activities. Community activities may include land and buildings used for churches, halls, libraries, community centres, health centres, schools (including preschools), and emergency service facilities (including fire, police and ambulance stations).

Comprehensive housing development

means three or more residential units, designed and planned in an integrated manner, where all required resource and subdivision consents are submitted together, along with sketch plans of the proposed development. The land on which the proposed residential units are to be sited must form a separate, contiguous area.

Conditions*

in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

Contaminant*

includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water, or
- b) when discharged on to or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air on to or into which it is discharged.

Crossing

in relation to vehicle and stock crossings (verb), means a single trip across a waterway (not a return trip).

Crown cleaning

in relation to trees, means the removal of dead, dying, diseased, crowded, weakly attached, low vigour branches and water sprouts from a tree crown.

Crown thinning

in relation to trees, includes crown cleaning and means the selective removal of branches to increase light penetration and air movement through the crown where:

- a) no more than one-third of live foliage is to be removed, and
- b) after pruning at least half of the foliage is on the branches in the lower two-thirds of the tree, and
- c) half of the foliage on laterals on the inner two-thirds of a branch is retained

provided that such removal shall not be used successively to incrementally reduce the size of the tree, or to remove the tree.

Culvert

means a pipe or covered channel that conveys water.

Dam

means any structure which impounds water, including weirs.

dBa	means the A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See NZS 6801:1991 clause 2.1 definition of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting, and sound level.
Defensible space	<p>in relation to fire safety, means an area maintained as a fire break or planted in low-flammability species to protect a structure from fire in surrounding vegetation or to protect vegetation from a fire in a structure. The area shall be at least the following dimensions:</p> <p>a) on flat land and slopes up to 10° - 25m from the structure, or</p> <p>b) on slopes greater than 10° - 10m up hill, 15m each side, 30m down hill, from the structure.</p> <p>Low flammability species include some broad leaf, evergreen native species including but not limited to the following:-</p> <p>a) <i>Fuchsia excorticata</i> (Kotukutuka)</p> <p>b) <i>Pseudopanax crassifolius</i> (Horeke/Lancewood)</p> <p>c) <i>Pseudopanax arboreus</i> (Five finger)</p> <p>d) <i>Coprosma robusta</i> (Karamu)</p> <p>e) <i>Coprosma grandifolia</i> (Raurekau/Kanono)</p> <p>f) <i>Geniostoma ligustrifolium</i> (Hangehange)</p> <p>g) <i>Coprosma australis</i> (Raurekau)</p> <p>h) <i>Coprosma repens</i> (Taupata)</p> <p>along with fuel reduced conditions where fine fuel such as grasses, gorse, bracken, dead or fallen material, twigs and branches are maintained below a maximum height of 100mm.</p>
Discharge*	includes emit, deposit, and allow to escape.
District	means the Nelson District and Region as defined under the Local Government Act, including the Coastal Marine Area.
Disturbance	in relation to rules in the Coastal Marine Area, includes excavation, dredging, drilling and tunnelling. In relation to any river or lake bed means the alteration, re-distribution, or disturbance of the bed material by any means including vehicles, machinery, drilling, tunnelling, and reclamation, excavation or extraction, but does not include disturbance by hand tools.
Diversion	means the redirection of water from its original flow path, and returning the water back to its original flow path at a different point with no abstraction taking place.
Earthworks	means any modification to the shape of the land surface, including removal of soil, excavation, infilling, re-contouring and construction of any road, track, landing or drainage channel (ref MW.97 Landfill).
Ecosystem	means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

Educational facility land or buildings used, or activities necessary for, the provision of regular instruction or training including the use of ancillary administrative, cultural, recreational and commercial facilities.

Effect* includes:

- a) any positive or adverse effect, and
- b) any temporary or permanent effect, and
- c) any past, present or future effect, and
- d) any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration, or frequency of the effect,

and also includes:

- e) any potential effect of high probability, and
any potential effect of low probability which has a high potential impact.

Effluent disposal field means a structure either above or below ground for disposal by infiltration, evaporation or transpiration of predominantly liquid effluent, derived from toilets, sewage and silage water, or from intensive livestock farming operations, including piggeries and cowsheds.

Environment* includes:

- a) ecosystems and their constituent parts, including people and communities, and
- b) all natural and physical resources, and
- c) amenity values, and
- d) the social, economic, aesthetic and cultural conditions which affect the matters stated in a) to c) of this definition or which are affected by those matters.

Estuary means the wide tidal mouth of a river. The physical landward extent of each estuary is defined by the boundary of the Coastal Marine Area, as agreed between the Minister of Conservation and the Nelson City Council in August 1991. The seaward boundary is defined on Map No. A1.3 of the Planning Maps comprising Volume 4 of the Nelson Resource Management Plan.

Environmental results anticipated means the intended results or outcomes on the environment as a consequence of implementing the policy or policies and methods of implementation. The term provides a means of assessing the success of the objectives, policies and methods.

Environmentally damaging substance see *Hazardous substance*

Erosion means the process of wearing away of the land surface by natural agents and the transport of the rock debris that results.

Estimated value	in relation to any building work means estimated aggregate of the values, determined in accordance with Section 10 of the Goods and Services Act 1985, of all goods and services to be supplied for that building work.
Exotic plants	for the purpose of the Freshwater Plan Change means plants which are not indigenous to New Zealand, but excludes pest plants.
Experienced	in terms of this Plan means, in relation to an engineer or other professional person, a person who is acknowledged as experienced and competent in that particular field by their peers, and carries professional indemnity insurance adequate to the advice or assessment they are giving.
Fence	includes a hedge. (See also the definition of ‘building’.)
Fertiliser	means any substance which is held out by its manufacturer, distributor, or vendor to be, or is in fact suitable for, sustaining or increasing the growth, productivity, or quality of plants by its application to those plants or the soil in which they grow or will grow; and includes a substance imported, manufactured, or being manufactured, with the intention that it be so held out.
Firebreak	means a natural or artificial physical barrier (commonly a strip of land cleared of all vegetation) against the spread of fire from or onto any area of continuous flammable material.
Flow regime	specified water flow levels in a river which relate to rules controlling takes from a river (as shown in Appendix 28.2).
Flow variability	means how much the water flow varies over a given period of time, often annually.
Ford structures	means an artificial, permanent and shallow place in a river or stream designed to be crossed by people, vehicles or livestock.
Foreshore*	any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.
Forested catchment	for the purposes of rule FWr.5, means 80 percent of the catchment is managed for forestry purposes.
Forestry slash	means branches and other woody debris associated with forest harvesting that are not removed from the site. When a tree is felled it is limbed and the branches etc comprise the slash.
Fresh water*	all water except coastal water and geothermal water. Note: In the Nelson City Council area the boundary between the freshwater environment and the Coastal Marine Area has been established through a legal agreement between Nelson City Council and the Minister of Conservation. This is shown in Appendix 25 of the Nelson Resource Management Plan.
Front site	see <i>Site-front</i>

Garage

means a building used for the housing or care of vehicles, and includes a carport.

Generally accord

For the purpose of interpretation of any rules relating to Structure or Outline Development Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown within the development area and with linkages to each other or adjoining areas as shown in the Structure or Outline Development Plan. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan or Outline Development Plan; it is intended that any connections between points are achieved or provided for with no restrictions. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecologically sensitive habitats such as streams where providing for biodiversity corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, and costing considerations. The key proviso is that the items on the Structure or Outline Development Plan must be provided for, and that any connections must occur or be able to occur in the future.^{PC13}

Geotextile fabric

A woven or non-woven, impermeable or semi-impermeable material generally made of synthetic products such as polypropylene and used in a variety of engineering, stormwater management, and erosion and sedimentation control applications.

Greenspace

are areas of open or vegetated space which are residentially zoned, and are shown on Structure or Outline Development Plans. Roading, servicing, walkways and cycleway connections are permitted to cross ‘greenspace’ provided all other relevant Plan provisions are satisfied.^{PC13}

Ground level

means the original ground level or finished ground level for earthworks, where:

- a) ‘original ground level’ means the level of the ground that existed before any excavation for new buildings or structures on the land is undertaken, and
- b) ‘finished ground level’ accords with the ground level dictated by i), ii) or iii) below, where infilling must be undertaken to the level required to deal with the hazard, but before any excavation or infilling for new buildings or structures on the land is undertaken:
 - i) a rule in a plan relating to low-lying sites, or
 - ii) a resource consent granted in relation to flooding or inundation, or
 - iii) a resource consent granted for a subdivision.

Where there is a retaining wall or other engineering structure at the boundary of the site required to achieve b) above, the finished ground level (for the purposes of defining daylight angles) will be the level of the site immediately behind the structure intended to ensure the stability of the site at the finished level.

Groundwater	means water beneath the land surface.
Gross floor area	the sum of the total floor area of all floors of all buildings. It shall be measured from the exterior faces of exterior walls or from the centre line of walls separating two buildings. For the purpose of car parking, gross floor area shall exclude off-street parking and loading areas required by the Plan and contained within the building. See also Site .
<u>Habitable space</u>	<u>means a space used for activities normally associated with domestic living, but excluding any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room or other space of a specialised nature occupied neither frequently nor for extended periods.</u> ^{07/01}
Habitat	the place or type of site where an organism or population naturally occurs.
Hand clearance	in relation to vegetation, means removal or destruction of vegetation using only hand held tools, including chainsaws, scrubsaws, or knapsacks, or other hand held spraying equipment.
Hazardous substance	means any substance with <ul style="list-style-type: none"> a) one or more of the following intrinsic properties: <ul style="list-style-type: none"> i). Explosiveness ii). Flammability iii). A capacity to oxidise iv). Corrosiveness v). Toxicity (both acute and chronic) vi). Ecotoxicity, with or without bioaccumulation, or b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph a) of this definition, and c) includes environmentally damaging substances.
Health facility	any land or buildings (excluding hospitals) used for the provision of services by practitioners relating to the physical and mental health of people, but excludes: medical insurance brokers, medical testing laboratories, and facilities for the promotion of physical fitness or beauty such as gymnasiums, beauticians and weight control clinics.
Heavy vehicle	a motor vehicle exceeding 3500kg gross laden weight (refer Heavy Motor Vehicle regulations 1974).
Hedge	means a row of shrubs or bushes capable of developing to a height of over 1m, having branches or leaves that inter-leave so as to form a visual or physical barrier.
Height	in relation to a structure means either: <ul style="list-style-type: none"> a) the vertical distance between any part of the structure and ground level immediately below that part of the structure, or b) the vertical distance between the highest part of the structure and mean ground level (which is the average level of the ground around the external foundations of the structure)

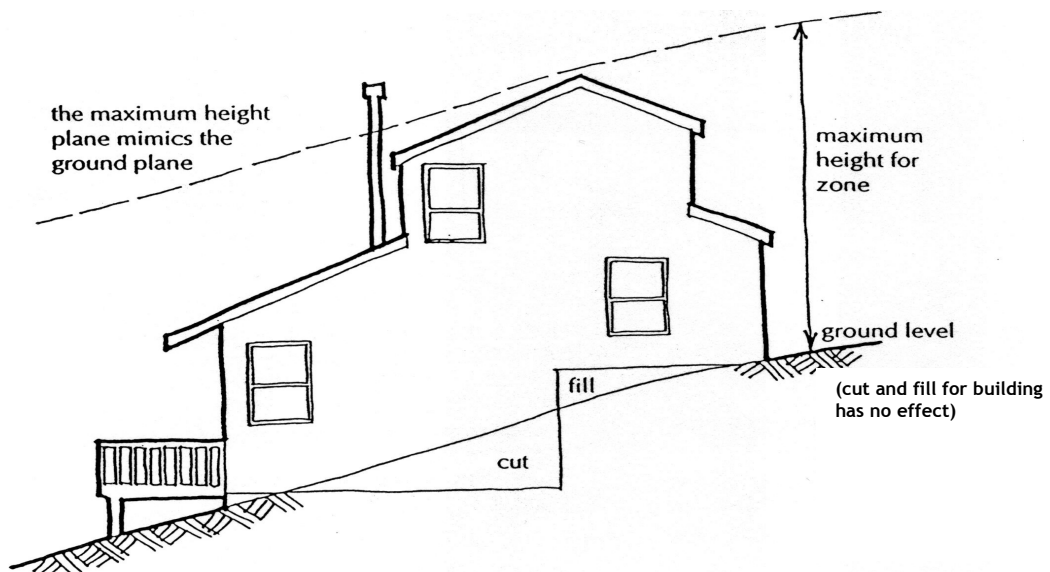
Note:

- i). The options cannot be used in combination on any one structure.
- ii). This definition does not apply to buildings in the Wakefield Quay Precinct where they are subject to Rule A (building height) of Appendix 23 (design guide and rules for Wakefield Quay).
- iii). In determining the height of any building, no account shall be taken of chimneys (not exceeding 1m in width) or finials, provided these do not exceed the maximum height for the zone by more than 2m. For any chimney or other structure discharging an emission to the air, the provisions of the Nelson Air Quality Plan are specific in respect of structure height and determinant over the provisions of this Plan, except in respect of height controls in relation to the airport (as shown in Planning Maps A3.1 and A3.2) where the provisions of this Plan still apply.
- iv). See diagrams in MW.79 (height measurement). See also definition of *Ground level* (MW.69).

Height measurement Note: these definitions do not apply to buildings in the Wakefield Quay Precinct where they are subject to AP 23.4.1 (building height rule) of Appendix 23 (design guide and rules for Wakefield Quay).

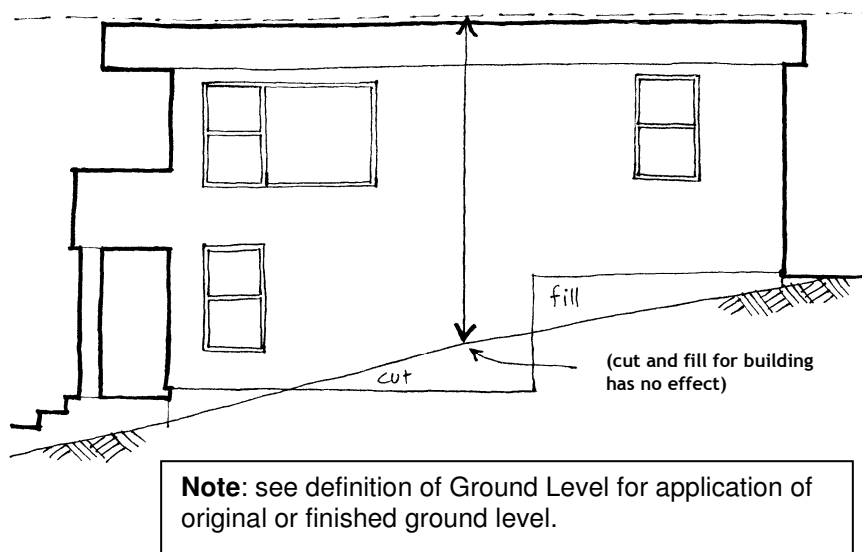
The two methods of height measurement are shown below i.e. Rolling Ground level Method and Average Ground Level Method.

a) Rolling Ground Level Method



Note: see definition of Ground Level for application of original or finished ground level.

b) Average Ground Level Method



Height is measured from a level which is the average original ground level determined from points around the foundations. Building plans should show in plan view the points used in calculating mean ground level.

Heritage overlay

means an overlay identifying heritage buildings, objects, places, heritage and landscape trees, archaeological sites and overlays, heritage precincts, and Wakefield Quay precinct.

Heritage tree

means a tree indicated in Appendix 2 as a heritage tree.

Historic heritage*

- a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - i) archaeological
 - ii) architectural
 - iii) cultural
 - iv) historic
 - v) scientific
 - vi) technological; and
- b) includes -
 - i) historic sites, structures, places, and areas; and
 - ii) sites of significance to Maori, including wahi tapu; and
 - iii) surroundings associated with the natural and physical resources.

Home occupation

means a business or similar activity carried out on a residentially zoned site, the activity being ancillary to the residential purposes of the site.

Indigenous forest

means an area of naturally occurring woody vegetation that:

- a) has a canopy predominantly formed by trees over 6m high, and
- b) has more than 80% closure of the canopy, and
- c) comprises plant species indigenous to the District.

Indigenous vegetation	means an area of naturally occurring vegetation where the area covered by plant species indigenous to the District is the same as or greater than the area covered by other plants.
Industrial activity	means the processing, manufacturing, fabricating, packing or storage of goods and other ancillary activities, and for the purposes of this plan, includes servicing and repair activities.
Inorganic waste	means waste which is not composed of plant or animal products.
Instream values	means the natural values of a water body, including the ecological values, and the cultural, spiritual, amenity and recreation values of Tangata Whenua and the wider community.
Integrated catchment management plan	in relation to a discharge from the public sewerage system to freshwater bodies, the integrated catchment management plan will detail runoff pattern for a number of storm events (eg 5 and 50 year return events). It will detail the capacity of both natural and constructed waterways to handle such events and areas of inundation arising from such events. It will also outline the measures taken to prevent runoff from entering the sewerage system.
Intensive commercial livestock farming	means the keeping of livestock, either in a building or in open site conditions, where the regular feed source for the livestock is substantially provided other than from grazing the site concerned or at a density which precludes the maintenance of pasture or vegetative ground cover, and excludes areas such as loafing pads, used for a maximum period of 6 months in any calendar year.
Issue	means a matter of concern to a community regarding activities affecting the natural and physical resources and the environment of the district.
Iwi authority*	the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
Kaitiakitanga*	the exercise of guardianship; and in relation to a resource, includes the ethic of guardianship and stewardship based on the nature of the resource itself.
Kitchen	means a room or area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench, and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).
L10	means the L10 exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded, ten percent of the total measurement time. See NZS 6801:1991 clause 2.2 definition of exceedance level.
Land*	includes land covered by water and the air space above land.
Landfill	a waste disposal site used for the controlled deposit of solid materials onto or into land.
Landscape Tree	means a tree indicated in Appendix 2 as a landscape tree.
Landscaping	the provision of tree or shrub plantings, and may include ancillary lawn, rocks, paved areas or amenity features. Landscaped area and landscape strip have the same meaning. In relation to the Residential Zone, landscaping does not include hard surfacing.

Launching structure	means any structure intended for the purposes of launching vessels.
Lawfully established	for the purpose of the Freshwater Plan Change means as provided for by permitted activity rules or resource consent.
Ldn	means the day/night level and is the time-average sound level in decibels (re 20 micropascals) over a 24 hour period (from midnight to midnight) with the addition of a 10dB penalty to night-time levels during the period from 10 pm to 7 am. The Ldn levels referred to in this Plan are the three-month rolling average of the daily Ldn values. means the <u>“Day Night Average Sound Level” as defined in NZS6801:1999 and is in the night-weighted sound exposure level in A-frequency weighted decibels.</u> ^{07/01}
<u>Leq</u>	<u>Leq, in decibels, is the value of the steady continuous A-weighted sound pressure level that, within the relevant measurement time interval, has the same mean square sound pressure as the sound under consideration, the level of which varies over time.</u> ^{07/01}
Liquor	any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honeymead, stout, cider and sherry) containing 1.15% or more alcohol by volume.
Living area	in relation to a residential unit, means any lounge, living room, family room, dining room or kitchen, but excludes any bedroom, study or similar room.
Lmax	means the maximum A-frequency-weighted sound level (dBA L max) as described in NZS 6801:1991, clause 2.1. The Lmax units referred to in this Plan relate solely to night-time (10 pm to 7 am Monday to Friday, and 10 pm to 9 am Saturdays, Sundays and public holidays).
Loading space	an on site marked space where vehicles load or unload goods or people.
Local Tree	means a tree indicated in Appendix 2 (Heritage Trees) as a local tree.
Maintenance	<p>in relation to State Highways, roads, tracks, firebreaks and landings, means soil disturbance and vegetation clearance necessary to maintain the facility in good operational order. State Highway maintenance works include minor realignment, shape corrections and vegetation clearance with road reserves</p> <p>In relation to network utilities other than roads, means repair necessary to maintain the facility in good operational order and shall include vegetation clearance under overhead lines and minor realignment of such lines, and in respect of overhead lines may include the replacement of a conductor with a larger size conductor but does not include the replacement of towers, pylons, or insulators with larger size towers, pylons, or insulators.</p> <p>For the avoidance of doubt, the meaning of “maintenance” does not include the armouring of structures or banks with rock or other permanent material but it does include clearance of gravel in or directly below or above culverts and bridges.</p>

Maintenance dredging means any dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of vessels, in navigation channels and at berthing and mooring facilities, including marina facilities.

Maintenance of a structure

means activities which:

- a) are for the purpose of keeping a structure in good repair.
- b) do not result in any increase in the area of land, foreshore, or seabed occupied by the structure.
- c) do not change the character, scale and intensity of any effects of the structure on the environment (except to reduce any adverse effects or increase any positive effects).

Mean high water springs

(MHWS) means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days) where the range of tides is the greatest.

Mechanical ventilation

means a mechanical system or mechanical ventilation systems as described in Appendix 19.2.ii a) or b).^{07/01}

Median flow

means the flow (level) at the mid point of an ordered range of flows. Median flow can be determined by ordering the range of flow levels over a period of time (generally a year). The median flow will be the flow level at the mid point of that range of flow levels.

Method of implementation

means a specific action, procedure, programme or technique adopted to carry out a policy.

Minimum flow

means a river flow below which continued takes from a river are considered to have adverse effects. Refer to Appendices 28.2 and 28.3 for more detail.

Minor upgrading

means an increase in the carrying capacity, efficiency or security of electricity lines utilising the existing support structure or poles, or structures of a similar scale and character, and including:

- a) The addition of conductors;
- b) The reconductoring of the line with higher capacity conductors;
- c) The resagging of conductors;
- d) The addition of longer or more efficient insulators;
- e) The addition of earthwires (which may contain telecommunication lines), earthpeaks and lightning rods.

Minor upgrading does not include a change in the voltage of a line unless the line was constructed to operate at a higher voltage but has been operating at a reduced voltage and there will be no physical change to the line. Any increase in the power carrying capacity of any line must not result in the magnetic fields generated by the transmission lines exceeding International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for 24 hour public exposure (100 microtesla).

Mooring means an anchor block on the seabed for the purpose of securing a recreational vessel by way of rope or cable.

Moving display means a display in which any parts of the sign or its message involves movement or apparent movement aimed at drawing attention to the sign.

Natural and physical resources* includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

Natural hazard* means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Natural hazard overlay means one or more of the following Overlays shown on the Planning Maps: Fault Hazard Overlay, Grampians Slope Risk Overlay, Tahunanui Slump Core Slope Risk Overlay, Tahunanui Slump Fringe Slope Risk Overlay, Flood Path Overlay, Flood Overlay, Inundation Overlay.

Navigation aid includes:

- a) any lightship and any floating or other light exhibited for the guidance of ships and aircraft, or
- b) any type of fog signal not carried on a ship, or
- c) all marks and signs in aid of marine and aircraft navigation, or
- d) any electronic, radio, or other aid to aircraft navigation and marine navigation not carried on board any ship, and
- e) any associated building works.

NCC datum means Nelson City Council Standard Datum.

Relationship of Datums	Mean Sea level
To NCC Datum	12.055
To DOSLI Datum	0.000

Net area the total area of the site or allotment (or in the case of more than one residential unit on a single allotment, the area of the allotment allocated exclusively to a particular residential unit) excluding any part of the site:

- a) subject to any designation (set out in Appendix 24 - designations), or
- b) containing a right of way serving other sites, and
- c) in relation to rear sites, excludes the area of any access strip less than 6m in width.

Network utility a network for any of the following activities:

- a) Telecommunication and radio communication as defined in Section 2(1) of the Telecommunications Act 1987 and includes any Telecommunication Facility, Radiocommunication Facility and Telecommunication Line, or
- b) cable television, or
- c) the transformation, transmission or distribution of electricity, or
- d) the distribution of water for supply, including irrigation, or

- e) drainage or sewerage reticulation, or
- f) construction, operation and maintenance of roads and railways, including any lighting, signalling or other equipment relating to the safe use of the road or railway, or
- g) operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990, or
- h) undertaking a project or work described as a “network utility operation” by regulations made under the Resource Management Act 1991, or
- i) lighthouses, meteorological facilities, navigation aids and beacons, or
- j) pipes for the distribution or transmission of petroleum, or natural or manufactured gas, or
- k) street lighting

and includes:

- l) all structures and incidental facilities such as lines support structures, pipes, pumping stations, aerials and similar structures which directly form part of the network, and
- m) the operation, maintenance and upgrading of the network utility, and
- n) private connections to the network utility.

Network utility buildings, small, unstaffed

means a building (which is not or does not contain a substation) which is directly part of a network utility, and it and any equipment it holds is unstaffed, and the building does not exceed 20m² in ground floor area and does not exceed 5m in height.

For the purpose of this meaning the above height limitation does not apply to aerials, masts and poles.

Noise*

means unwanted sound and includes vibration. The sound of warning devices being used by emergency services or in an emergency situation is not included in the definition of noise for the purpose of this Plan.

Noise-affected property

means a site used for residential purposes that is situated in the Residential Zone adjacent to Port Nelson and identified on the Port Noise Contour Map as receiving levels of port noise at or above 55 dBA L_{dn} but excludes: properties that have received acoustic treatment in accordance with rule INr.40.1 and Appendix 29.B (Noise Mitigation Plan) and are receiving port noise at or below the certified level of port noise.^{07/01}

Non-point source discharge	means discharge of contaminants onto or into land, air, or water from a widespread or diffuse source rather than from a specific outlet or a particular point of origin.
Notional boundary	means a line 20m from the façade of any rural dwelling which is most affected by the noise source, or the legal boundary where this is closer to the dwelling.
Obsolete structure	means any structure which is not required for its original use, or which has not been used as intended for a continuous period of two years or more, and for which no future use is anticipated.
Occupy	<p>means to occupy land or any part of the coastal marine area necessary for the activity:</p> <ul style="list-style-type: none"> a) to the exclusion of other persons who do not have a right of occupation to the space by a resource consent or under a rule in a regional coastal plan, and b) for a period of time and in a way that, but for the rule in the regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary. <p>and “occupation” has a corresponding meaning.</p>
On-site wastewater management system	means any system that treats and then discharges wastewater within the property boundaries. Systems range from a basic septic tank system followed by dispersal in sub-service trenches or a mound. Higher quality treatment systems consist of active aeration or a multi-chamber septic tank, followed by a sand filter system.
Original size	for the purpose of a rule authorising maintenance means, in the case of a structure that is authorised by a coastal permit (including a coastal permit under Section 384), the maximum dimensions specified in that coastal permit. Where no maximum dimensions are specified in that coastal permit, the original size will be that supplied with the consent application.
Organic waste	means waste which is composed of plant or animal products.
Outdoor Living Court	an area of open space for the exclusive use of the occupants of a residential unit. No outdoor living court may be occupied by any building which is enclosed, or has an overhead clearance of less than 2m, other than an accessory building of less than 8m ² .
Outfall structure	where referred to in a regional rule, excludes any culvert other than culverts on streams that are piped as part of an urban stormwater system and which have no significant diadromous fish populations.
<u>Outline Development Plan</u>	see <i>Structure Plan</i> . ^{PC13}
Overlay	an area of land or sea shown on the Planning Maps, where special resource management considerations apply, described in this Plan.

^{PC13} Plan Change 13 (Marsden Valley)

Papakaiinga

means the use and occupancy of multiple-owned land involving the development of the land for residential units and other buildings and uses necessary to enable the owners to live on their land.

Parking space

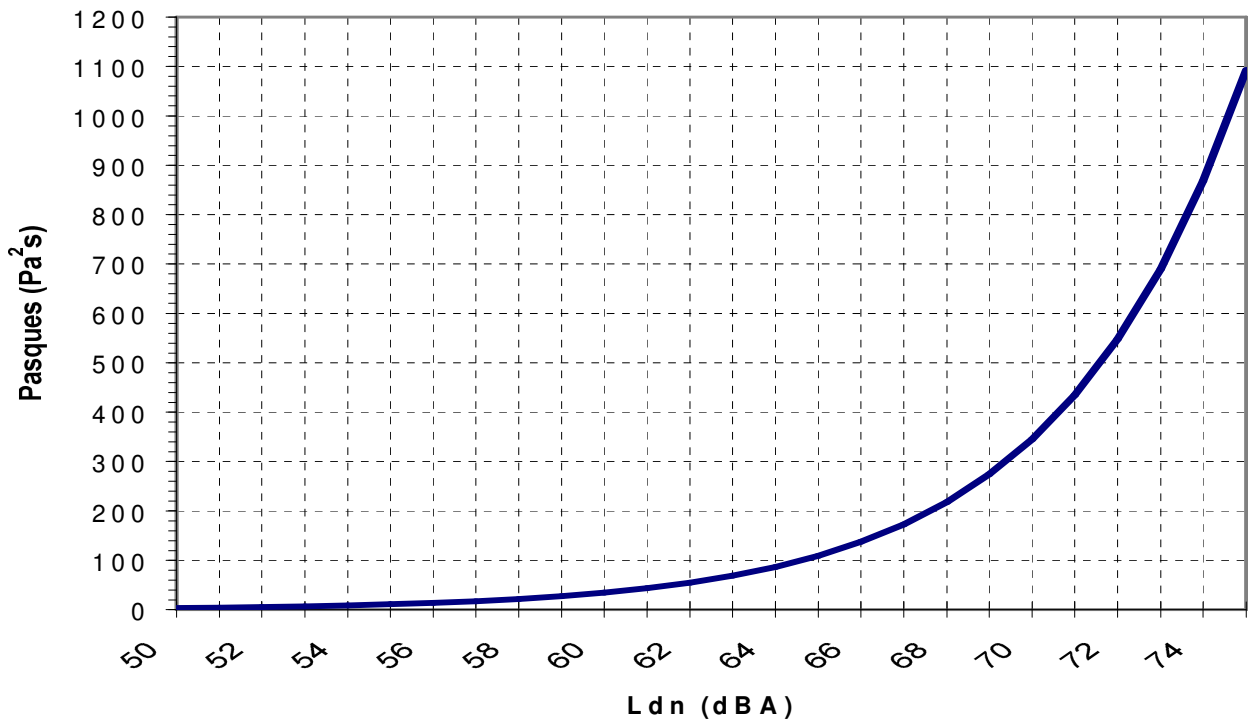
an on site marked space where vehicles can park.

Pasques

Unit of measurement of environmental noise exposure in A-frequency weighted pascal squared seconds, as defined in NZS 6805:1992 Airport Noise Management & Land Use Planning. Sound exposure shall be night weighted in accordance with NZS 6805:1992. Environmental noise exposure measured as Ldn (dBA units) shall be converted to pasques using the equation.

$$\text{Pasques} = [3.456 \times 10^{-5}] \times [10^{Ldn/10}]$$

This equation provides the following relationship between Pasques and Ldn:



Pest plants

plants listed in the Tasman-Nelson Regional Pest Management Strategy.

Pipeline

means a pipeline constructed or used to convey any matter or substance; and includes all machinery, tanks and fittings connected to the pipeline.

Plantation forestry

means the planting, management, harvesting and replanting of trees, where the stock and density of any plantation is 100 or more stems per hectare. Plantation forest has a corresponding meaning.

Point source discharge

means a discharge of contaminants onto or into land, air, or water from a specific and identifiable outlet or location e.g. a drain or pipe.

Polytechnic	means Nelson Polytechnic or any similar successor education organisation, whether of the same or different name.
Pond	for the purpose of the Freshwater Plan Change means a small body of still water constructed by hollowing or embanking. It does not include wetlands (separately defined) or naturally formed ponds.
Port Industrial Area	includes <u>means</u> the land and water space zoned industrial and delineated in pink on Maps 6R, 9R and 10R of Volume 4 of the Nelson Resource Management Plan. limited to that area of land generally to the north of Haven Road and Queen Elizabeth II Drive and to the north and east of Wakefield Quay, on Maps 6R and 10R of Volume 4 of this plan. ^{07/01}
<u>Port Noise</u>	<u>means noise generated within the Port Industrial Area and includes:</u> <ul style="list-style-type: none"> <u>i) Noise emanating from ships and boats at berth; and</u> <u>ii) Noise associated with the handling of cargo; and</u> <u>iii) Noise from trucks and machinery; and</u> <u>iv) Noise from administrative, repair, storage and maintenance activities but excludes:</u> <ul style="list-style-type: none"> <u>i) Noise from ships and boats not at berth;</u> <u>ii) Noise associated with construction of permanent Port Industrial Area facilities;</u> <u>iii) Noise from an emergency situation;</u> <u>iv) Noise from vehicles on public roads.</u>^{07/01}
<u>Port noise contour map</u>	<u>means the noise contour map referred to in Appendix 29.A.1.i) and contained in the Port Noise Management plan showing port noise L_{dn} (5 day) levels based on a busy 5 day operating scenario to provide for the identification of noise affected properties.</u> ^{07/01}
Port Operational Area	the operational area under the day-to-day control of the entity which manages the Port of Nelson. This operational area is limited to land used for activities, essential to the functioning of the port, and includes land used for the loading and offloading of goods, and the temporary storage of goods to be loaded or which have been unloaded, together with parking, office, staff, and maintenance facilities necessary for the foregoing activities. It also includes that part of the coastal marine area included in Port Nelson Ltd's (or its successors) coastal permit. For the avoidance of doubt, this definition excludes areas leased by Port Nelson Ltd to other entities.
<u>Port Operator</u>	<u>means Port Nelson Limited or its successors.</u> ^{07/01}
Primary contact recreation	means swimming, water skiing, and other direct water-contact activities.

Property plan	<p>means a document prepared jointly by a landowner and the Council which provides for integrated management of the particular property specified in the rural area, and contains the following elements:-</p> <ul style="list-style-type: none"> a) adequate resource information, and b) adequate description of the activities proposed, and c) an assessment of the likely impact of the proposed activities on the natural and cultural values contained within the property, and d) specifies resource consents for undertaking particular activities, and e) specifies any conditions to be observed when exercising any part of the resource consents, and f) specifies the period of the consents, and g) specifies under what circumstances or where additional conditions or consents will be required. <p>Other matters which a property plan might contain include:</p> <ul style="list-style-type: none"> a) a commitment to active management and/or protection of significant features. This could include fencing of sites, pest control, covenants to be created, public access provisions, and b) a cost sharing commitment for any active management, for example a contribution to fencing costs or giving rates relief, and c) a statement of any additional development rights which are conferred on the property in return for active protection of significant features. In the example of the fencing and protection of a bush remnant, this may include consent to an additional subdivision lot or to the construction of an additional dwelling/house.
Public safety	means any risk to life, limb, or property such that without remedial action there is a high probability of loss of life, injury, or serious damage to property.
Radiocommunication facility	means any transmitting/receiving devices such as an aerial, dish, antenna, cable, line, wire, and associated equipment/ apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.
Raft*	means any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation.
Rear site	see <i>Site - rear</i>
Reasonable domestic water use	means the water usage of an individual home or household including the needs of domesticated animals and of a household garden. Once trigger flow is reached (as shown in Appendix 28.2), reasonable domestic use includes water for watering a household vegetable garden where the production of the garden is for that household's domestic consumption but does not include water for flower gardens or lawns.
Reasonable mixing	see Appendix 28.7 (reasonable mixing zone)

Replacement	means replacement of a structure of the same scale, character and same or similar dimensions and located in the same or similar position.
Residential activity	<p>means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site as their home and permanent address; and includes accessory buildings and leisure activities.</p> <p>For the purpose of this definition, residential activity (irrespective of the length of stay) shall include:</p> <ul style="list-style-type: none"> a) accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident as described above, or b) emergency and refuge accommodation, or c) accommodation for supervision staff and residents, where residents are subject to care or supervision (e.g. homes for persons with disabilities, and homes for the elderly), but not places where residents are subject to detention.
Residential unit	means a single self-contained household unit, used principally for residential activities, whether by one or more persons, including accessory buildings. Where more than one kitchen facility is provided on the site, there shall be deemed to be more than one residential unit.
Restaurant	includes cafes, tearooms, and any other premises which sells food and beverages to be consumed on the premises.
Restoration	in relation to a heritage item, means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or the removal of additions unsympathetic to the style of the building. As it applies in the freshwater rule FWr.1 restoration means returning a river or lake to a more natural state, for example restoring a piped section of a water body to natural river bed.
Restricted coastal activity*	<p>means any discretionary activity or non-complying activity:</p> <ul style="list-style-type: none"> a) which, in accordance with section 68, is stated by a regional coastal plan to be a restricted coastal activity; and b) for which the Minister of Conservation is the consent authority.
Retail activities	any land, building or part of building on or in which goods are displayed, sold, or offered for sale or hire direct to the public.
Retail services	any land, building or part of building on or in which personal or household services, or private business or professional services are offered to the public.
Revegetation	means the establishment of trees, plants or grasses to achieve a minimum of 60% coverage of soil surfaces.
Ring road	that portion of Collingwood, Halifax, and Rutherford Streets, and Selwyn Place, which more or less forms a square around the City Centre on the planning maps.

Riparian margin	means the area of land adjacent to any wetland, river, lake or coastal marine area where direct interaction occurs between land and water systems. The riparian margin contributes to the natural functioning, character and quality of the water body or area, and the land margin, and associated ecosystems.
Riparian overlay	means an overlay identifying river and coastal margins with conservation, access, or natural hazard values, and where esplanade reserves or strips may be required by Council at the time of subdivision.
River*	<p>means a continually or intermittently flowing body of fresh water; and includes a stream and modified water course; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal). For the purpose of this definition, 'intermittently' means a river or stream that is dry at certain times and has one or more of the following characteristics:</p> <ul style="list-style-type: none"> a) it is mapped as riparian overlay in the Nelson Resource Management Plan maps or listed as conservation priority 1 or 2 in Table 6.1; or b) has natural stable pools having a depth at their deepest point of not less than 150mm and a surface area of not less than 2m² present throughout the period commencing 1 February and ending 30 April of any year.
Road*	has the same meaning as in section 315 of the Local Government Act 1974 and includes a motorway as defined in section 2(1) of the Government Roading Powers Act 1989.
Road boundary	see <i>Boundary</i>
Secondary contact recreation	means water-based recreation where there is high likelihood of unintended body contact with water e.g. boating, fishing and kayaking.
Services	means network utilities.
Service station	<p>means any undertaking where the dominant activity is retail sales or motor vehicle fuels dispensed at pumps or other vehicle control points (including petrol, LPG, CNG and Diesel) and may also include any one or more of the following:</p> <ul style="list-style-type: none"> a) retail sales of kerosene, alcohol based fuels, lubricating oils, tyres and batteries, vehicle spare parts and other accessories normally associated with motor vehicles (including motorcycles, caravans, boats and trailers) and domestic equipment, and b) the repair and servicing of motor vehicles (including warrant of fitness testing) and domestic garden equipment, and c) car wash facilities or other drive through vehicle service or inspection facility, and d) the ancillary sale of other good for the convenience and comfort of persons called at the service station for the services described in this definition but excludes panel beating, chassis straightening, body building, spray painting, and heavy engineering such as engine reboring and crankshaft grinding.

Set back	means the distance between a structure and the boundary of its site, or other feature specified in the Plan.
Sedimentation	means the deposition of soil, silt or vegetation debris on the surface of land, or on the bed of any river, water body or Coastal Marine Area.
Short term living accommodation	means land and buildings for transient residential accommodation for a person, family or group of persons under a single tariff where the occupiers will not generally refer to it as their home or permanent address. It may include some centralised services or facilities such as food preparation, dining and sanitary facilities, conference and recreation facilities for the use of only those living on the site. It includes hotels, motels, camping grounds and tourist cabins, studios and apartments. Accommodation offered to not more than four travellers for a daily tariff in association with a permanent resident is excluded (see definition of Residential Activity).
Sign	has the meaning given in Appendix 20 (signs and outdoor advertising).
Sign area	in relation to a multiple-sided sign, sign area is the area when viewed from any one direction, providing that the total area of all faces of a sign shall not exceed twice that permitted in the relevant rules.
Sign height	means that measurement from the ground surface to the topmost point of the sign.
Site	means: <ul style="list-style-type: none"> a) an area of land which is: <ul style="list-style-type: none"> i). comprised in a single allotment, or other legally defined parcel of land and held in a single certificate of title, or ii). comprised in a single allotment or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council <p>Being in any case the smaller of land area i) or ii), or</p> b) an area of land which is comprised of two or more adjoining legally defined parcels of land held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council, or c) an area of land which is comprised of two or more adjoining certificates of title where such titles are: <ul style="list-style-type: none"> i). subject to a condition imposed under section 75 of the Building Act 2004 or section 643 of the Local Government Act 1974, or ii). held together in such a way that they cannot be dealt with separately without the prior consent of the Council, and d) In the case of land subdivided under the cross lease or company lease systems (other than strata titles), site shall mean an area of land containing: <ul style="list-style-type: none"> i). a building or buildings for residential or business purposes with any accessory building, plus any land exclusively restricted to the users of that building, or ii). a remaining share or shares in the fee simple creating a vacant part of the whole for future cross lease or company lease purposes, and

- e) in the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units, and
- f) in the case of strata titles, site shall mean the underlying certificate of titles, immediately prior to subdivision, and
- g) in the case of an activity (e.g. Polytechnic, Port Nelson) that occupies more than one adjoining allotment, whether held in single legal title or multiple titles, site for the purpose of compliance with parking, noise and other rules shall be the total area of land occupied exclusively by that activity.

Site coverage

means the same as building coverage.

Site - front

a site having one or more frontages to a road, or to a common vehicle access serving more than four actual or potential residential units.

Site - net area

see *Net area*

Site - rear

a site which is situated generally to the rear of another site, both sites having access to the same road or vehicle access.

Site work

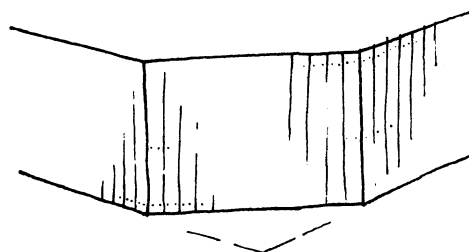
means work on a building site, including earthworks, preparatory to or associated with the construction, alteration, demolition or removal of a building.

Small unstaffed network utility building

See Network Utility building, small, unstaffed.

Snipe

means a corner set back at a road intersection, within which no structures are permitted, in order to improve traffic visibility.



Soil disturbance

means disturbance of soil other than by modification to the shape of the land surface and includes cultivation, deep ripping, root raking, blading and compaction.

Standards and terms

statements of the measurements, times, rates or other information that area used in a rule to classify an activity as controlled or discretionary.

Stock

means farm animals.

Stock effluent	means <ul style="list-style-type: none"> a) wastewater and/or sludge from dairy sheds, piggeries or feedlots, or b) sludge from agricultural wastewater treatment ponds, or c) poultry farm litter or wastewater.
Stock fence	means fences for the purpose of containing livestock, including suspended flood gates.
Stoke centre	means that area on the western side of Main Road Stoke, zoned Suburban Commercial, and having frontage to one or more of the following: Songer Street, Neale Avenue, Putaitai Street, Main Road Stoke, Strawbridge Square, the Fire Station Carpark, or Lichfield Street.
Storage	in relation to hazardous substances, means the containment of a substance or mixture of substances, either above ground or underground, and includes the filling and empty-ing of the container. Storage does not include substances in use, or those used as a cooling or heating medium.
Stormwater	runoff water (excluding water in a river) that is diverted through channels or pipes for discharge into the Coastal Marine Area or into a water body.
Stormwater discharge	means rainwater discharges to a water body which have been collected in channels and pipes.
Stormwater drain	means a drain which collects rain water off roofs, roads and hard standing surfaces and discharges it to a river, stream or into the sea.
Structure*	any building, equipment, device or other facility made by people and which is fixed to land, and includes any raft. For the purposes of structures in the beds of rivers and lakes, “structures” includes dams and bank protection structures fixed to the bed.
<u>Structure Plan or Outline Development Plan</u>	<u>is a mapped framework to guide the development or redevelopment of a particular area by defining future development and land use patterns, areas of open space, the layout and nature of infrastructure (including transportation links), and other key features for managing the effects of development, often across multiple ownership. See AD11.4A ‘Structure and Outline Development Plans’ for further information.</u> ^{PC13}
Subdivision*	has the meaning given in the Act.
Substation	those parts of works or electrical installations, being a building, structure or enclosure, incorporating fittings that are used for the purposes of the control of the transformation, transmission, or distribution of electricity, but excluding electricity distribution substations occupying less than 36m ² .
Surface water	as it applies in freshwater rule ‘take, use, or diversion of surface water,’ surface water means freshwater in rivers, lakes and wetlands.

^{PC13} Plan Change 13 (Marsden Valley)

Sustainable Management*

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and
- b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and
- c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

**Take (of water)
Tangata whenua***

means the extraction of water for a specific use.

in relation to a particular area, means the iwi, or hapu, that holds mana whenua over the area.

Telecommunication facility

means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

Telecommunication line

means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.

Temporary military training activity

means a temporary activity undertaken for Defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

Territorial sea*

the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977.

Tikanga Maori*

Maori customary values and practices.

Treaty of Waitangi

(Te Tiriti o Waitangi*) has the same meaning as the word 'Treaty' as defined in section 2 of the Treaty of Waitangi Act 1975.

Trigger flow

means a river flow 10% above the 'minimum flow' level at which continued takes from a river are considered to have adverse effects.

Once trigger flow for a river (as defined in Appendix 28.2) is reached all takes must cease, except those for

- i) domestic, stock water, or fire fighting purposes, and
- ii) water permits, where a water conservation plan has been approved by the Council.

For more detail see Appendix 28.3.ii.

Upgrade	as it applies in freshwater rule FWr.4 it means an increase in the carrying capacity, efficiency or security of existing structures, or structures of a similar scale and character.
Urban streams	means the parts of a stream within the urban area (excludes Rural and Conservation zoned land). These include: Orphanage Creek, Orchard Creek, Poormans Valley Stream, Arapiki Stream, Jenkins Creek, York Stream, Maitai River, The Brook, Oldham Creek and Todd Valley Stream.
Urban zone	means one or more of the Residential Zone, Inner City Zone, Suburban Commercial Zone, Industrial Zone or any part of the Open Space and Recreation Zone that is surrounded by one of these zones.
Use	in relation to hazardous substances, means the manufacturing, processing or handling of a substance or mixture of substances for a particular activity without necessarily changing the physical state or chemical structure of the substance. Use includes mixing, blending and packaging operations, but does not include the filling or drawing of substances from bulk storage tanks unless the processing is permanently connected to the bulk storage, and does not include loading out and dispensing of petroleum products (including diesel, CNG and LPG).
Utility service line	any pipe, cable, overhead wire, telecommunication line, drain or channel for the purposes of a network utility.
Vegetation	includes trees, shrubs, plants or grasses.
Vegetation clearance	means any activity which results in the removal or reduction in vegetation cover from an area of land other than that caused by grazing animals or domestic gardening, except for the purpose of controlling or eradicating pest plants or trimming of vegetation (other than indigenous vegetation).
Vehicle	a self-propelled vehicle, or a caravan, trailer or boat.
Vehicle access	see <i>Access</i>
Vehicle load out facility	means a site where petrol, diesel or oil is stored and vehicles are refuelled.
Vehicle oriented commercial activities	includes service stations, truckstops, supermarkets, shopping malls and drive-in or drive-through retail outlets.
Vessel	includes any ship, boat or other floating craft, or drilling rig or exploration platform (whether self-propelled or towed) for the purpose of exploration for, and extraction of, natural and physical resources from the seabed.
Waahi tapu	places or things which are sacred or spiritually endowed.
Waste	means materials which are unwanted or surplus to process requirements that the holder discards, or intends to, or is required to discard.

Wastewater network environmental management plan

In relation to a discharge from the public sewerage system to freshwater bodies, the wastewater network environmental management plan will detail the capacity of the sewerage system and its ability to handle flows without overflow. It will detail the storage available at pumping stations for emergencies and where overflows are likely to occur. It will detail the programme of work to be undertaken to prevent overflows in the future.

Water*

water in all its physical forms whether flowing or not and whether over or under the ground

- a) includes fresh water, coastal water, and geothermal water
- b) does not include water in any form while in any pipe, tank, or cistern.

The Freshwater Plan Change relates to all freshwater resources including groundwater.

Water body*

freshwater or geothermal water in a river, lake, stream, pond, wetland, or aquifer or any part thereof, that is not located within the coastal marine area.

Water conservation plan

means a plan prepared by Council, a water users' group or an individual which has been approved by Council, and which specifies what water conservation measures will be undertaken, and how they will be administered in the event of Council giving notice in writing to water users' groups that river flows have fallen to or below trigger levels.

Water craft

means any vessel, vehicle, or craft designed to operate in, on, or under water. Motorised water craft means any watercraft powered by an internal combustion engine or electric motor.

Water supply

There are two categories:

1. urban water supply - means a water supply managed by Nelson City Council and delivered to residents and industry through a reticulated system.
2. private supply - means a water supply directly managed by those residents using it.

Weir

means a dam built across a river to raise the level of water upstream or regulate and/or monitor water flow.

Wetland*

includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

It does not include:

- artificial wetlands constructed for wastewater management purposes; or
- lawfully constructed ponds; or
- plantation forest with a pasture understorey; or
- exotic rush/pasture communities.

Note: artificial wetlands are referred to as 'constructed wetlands' for the purpose of the Plan.

- d) Areas and dimensions of all allotments must be shown on the plan, except where the subdivision is to be effected by cross lease, company lease, or unit plan.
- e) Provision for safe vehicular access.
- f) Legal descriptions of contiguous land and names of landowners.
- g) Identification of any adjoining land of the subdividing owner.
- h) Location and areas of existing and new reserves, including esplanade reserves and strips.
- i) Location and areas of land below mean high water springs or any river or lake bed to be vested in the Crown or the Council.
- j) Details of any land or structure on the land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.
- k) All existing buildings, structures and significant topographical features such as land forms, watercourses, flood channels, trees, fences, pipes or drains.
- l) A statement of yards, bulk and location of existing buildings on net allotments and a plan if requested.
- m) The location and proximity of areas, buildings, objects, sites or natural features of special value listed in the Plan and any other archaeological or heritage sites or features.
- n) Any traditional, cultural or spiritual site or feature or any other aspect having special significance to the tangata whenua.
- o) Existing and proposed services such as storm water, sewerage, water supply, electricity and telephone, to be indicated on the subdivision plan.
- p) Proposed tenure and use of access lots, rights of way and easements.
- q) Location and areas of land to be set aside as roads and access and width and grade of any road and access.
- r) Sufficient accompanying information to enable the Council to determine whether the proposed subdivision meets the requirements of the Plan.
- s) Any proposed amalgamation conditions, covenants and consent notices.
- t) The standard of the legal roads providing legal fronting and access.
- u) Provision for on site drainage.
- v) Proposed areas of cut and fill.
- w) In the case of land to be subdivided in stages, the above information presented separately in regard to each stage for which subdivision consent is not immediately sought, with an indication of the proposed timing for each stage.
- x) In the case of land in the Rural Zone, or in any Hazard Overlay or Landscape Overlay, identification of any proposed building sites.
- y) A statement on fire safety requirements in regard to proposed party walls and buildings on boundaries.
- z) Where a subdivision abuts a State Highway, a written statement from the NZ Transport Agency on the proposal.
- aa) A copy of all conditions from the Council's condition book relating to the land (if any).
- bb) Whether the land to be subdivided contains hazardous or contaminated material.
- cc) In Ngawhatu (between York Valley and Highland Valley), in addition to the above matters, the following matters are to be specifically addressed in any subdivision application:
 - Pedestrian linkages which provide connection between York Valley and Highland Valley through to the Barnicoat Walkway and provide pedestrian linkages across the Ngawhatu area into Marsden Valley, with specific reference to the Outline Development Plan contained in Schedule E (Chapter 7).
 - Pedestrian linkages should be provided between residential neighbourhoods, open space/reserve areas and commercial facilities, with specific reference to the Outline Development Plan contained in Schedule E (chapter 7).
 - Landscape analysis demonstrating the subdivision design results in the creation of neighbourhoods/clusters separated by open space/landscaped areas.
 - In areas within the High Density Small Holdings zone, the subdivision design must provide for small enclaves of development surrounded by open space/landscaped areas clearly separating the enclaves to avoid the appearance of a continuous sprawl of development in the more elevated parts of the site.
 - The measures proposed to avoid, remedy or mitigate potential cross-boundary effects on the interface with the adjacent Rural zone.

dd) In respect of Ngawhatu Valley land (i.e. York Valley and Highland Valley - ex Ngawhatu Hospital land), in addition to the above matters, the following matters are to be specifically addressed in any subdivision application:

- Pedestrian and where practical, cycle linkages which over time allow connection into the Barnicoat Walkway, and provide connections between Open Space/Reserve areas, Residential neighbourhoods, and commercial facilities, with specific reference to the Outline Development Plan contained in Schedule E (Chapter 7).
- Mechanisms for identification and protection of essential and individual tree specimens to be protected to maintain the landscape setting beyond those trees individually listed as heritage trees in the Plan.

ee) On the western side of Marsden Valley, contained in Schedules U and V (Chapter 7), in addition to the above matters, the following matters are to be specifically addressed in any subdivision application:

- Pedestrian linkages which provide connection between the Marsden and Ngawhatu Valleys.
- Pedestrian linkages between residential neighbourhoods and open space/reserve areas.
- Integrated roading design via not more than two linkages through to Marsden Valley Road.
- Landscape analysis of neighbourhood creation and cluster development separated by open space and landscaped areas in subdivision design, within the Higher Density Small Holdings Area, to avoid the appearance of continuous sprawl of development in the more elevated and prominent parts of the site.
- In respect of subdivision and development within Schedule U (Chapter 7), there are specific information requirements detailed under U.2 in the Schedule.

AD8.4 Assessment of Effects

AD8.4.i Applications must include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which adverse effects may be mitigated. The Assessment of Effects must be of such detail that is consistent with the scale and significance of the likely actual and potential effects of the proposal. In the case of a controlled activity, the assessment needs to cover only the matters over which control is reserved, as stated in the relevant rules.

These are stated in the controlled column of the Rule Table, and in the rules that precede the Rule Table, in each zone chapter.

AD8.4.ii The Fourth Schedule of the Act sets out the matters which should be addressed in an Assessment of Effects. In preparing such an assessment, consideration should be given to any positive effect as well as any adverse effect. In addition to those matters specified in the Fourth Schedule, assessments should include, where appropriate, an assessment of effects on:

- a) adjacent activities in terms of such effects as noise, traffic generation, shade, dust, smell, vibration, glare
- b) existing and proposed infrastructure including road networks, storm water services, sewerage, water supply
- c) disposal and storage of effluent, solid waste and hazardous substances
- d) the social, economic and cultural well-being of the community
- e) any special localities, areas, buildings, objects, sites or natural features of special value identified in the Plan
- f) amenity values of a locality
- g) natural hazards

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

AD11.2 Description of zones and areas

AD11.2.i All land and sea subject to this Plan is contained within one of eight zones or areas. The reasons for the zoning approach are stated in Chapter 5 (district wide objectives and policies). The zones are: Residential, Inner City, Suburban Commercial, Industrial, Open Space and Recreation, Rural and Conservation Zones, as well as the Coastal Marine Area.

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

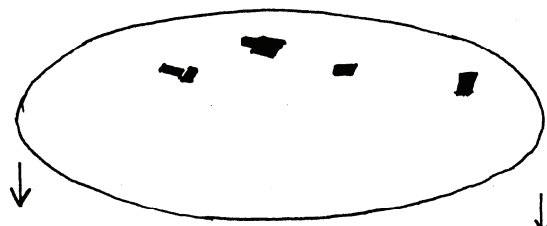
AD11.2.ii All rules that affect activities in any one zone or area are largely contained within the relevant zone or area chapter of this Plan, supplemented by the information in Chapters 1 to 6, and the Appendices. Where rules seek to protect values in another zone or area, the appropriate objectives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

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

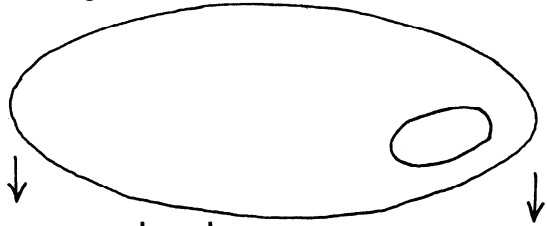
Within some zones, particular areas are identified. Areas may be subject to additional policies or rules, or policies and rules which are more specific than those applying in the remainder of the zone. Additional policies or rules apply in addition to the policies or rules for the rest of the zone. Policies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

The Areas are described below:

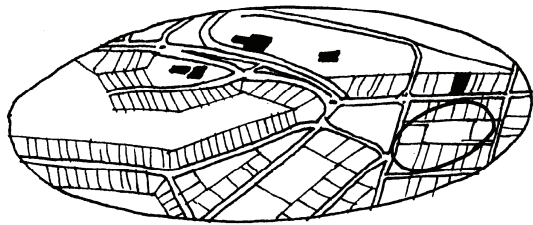
Residential Zone	Lower Density Area Higher Density Area
Rural Zone	Lower Density Small Holdings Area Higher Density Small Holdings Area
Inner City Zone	Intense Development Area City Centre City Fringe
Suburban Commercial Zone	Leisure Area
Industrial Zone	Tahunanui Area Vanguard Street/St Vincent Street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



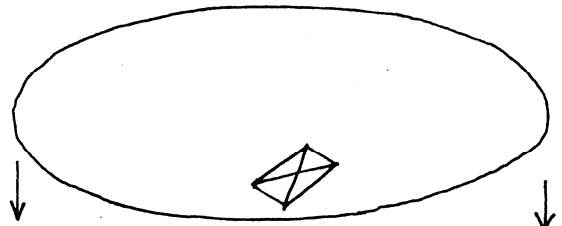
designations



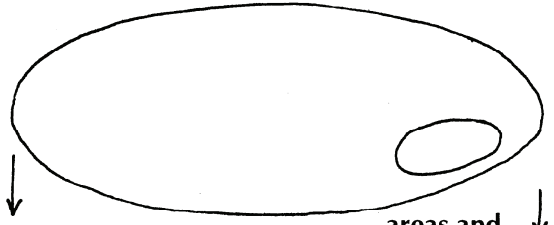
areas and overlays



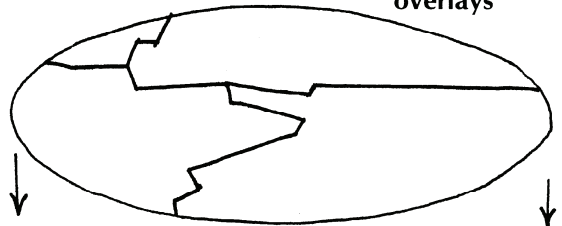
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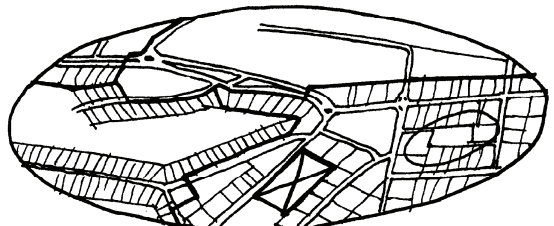
scheduled sites



areas and overlays



zones



cadastral

left hand facing Planning Map

right hand facing Planning Map

e) Flood overlay

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

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

AD11.3.2 Landscape overlay

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

AD11.3.3 Services overlay

Relates to the availability of services such as sewerage, water supply, storm water drainage, and roads. The overlay areas contain one or more of the following servicing constraints:

- a) The area is above the contour for which water can confidently be supplied to meet the Council's engineering standards. (The standards are based on the New Zealand Code of Practice for Urban Subdivision, which includes the New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies).
- b) The area is subject to other water supply limitations.
- c) The area is low lying and requires filling before servicing can occur
- d) The area is one where extension of services is required to serve other land or contribute to a network
- e) Main trunk services in the area are inadequate and require comprehensive upgrading before development can proceed
- f) Services need to be developed in the area in a comprehensive manner in conjunction with the Council and other property owners
- g) Development of the area is beyond the immediate scope of the Council's Strategic Plan or Annual Plan. Until such time as the Council proposes to provide the affected services, the developer may be required to fund work fully, beyond the boundary of the property to enable development to proceed.

These constraints must be addressed before development of these areas can proceed. Resource consent will not be withheld when these servicing constraints have been resolved.

AD11.3.4 Heritage overlays

a) Heritage Buildings, Places, and Objects

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

b) Heritage Precincts

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

c) Heritage and Landscape Trees

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

d) Archaeological sites

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

e) Archaeological Overlay

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

f) Wakefield Quay Precinct

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

AD11.3.5 Conservation overlay

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

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

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

AD11.3.7 Coastal environment overlay

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

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

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

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

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

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

AD11.3.8 Land management overlay

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

AD11.3.9 Riparian overlay

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

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

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

AD11.3.10 Road overlays

Proposed Road Overlay, and Road to be Stopped Overlay cover areas where the road network is to be modified in some way. No rules apply to the Proposed Road Overlay or the Road to be Stopped Overlay. They are for information, and will be taken into account in considering resource consent applications (e.g. when considering the roading pattern for a subdivision consent). Road alignments shown in the Proposed Road Overlay are not intended to show the exact location of the proposed road boundaries indicative only.^{PC13} Roads may also be designated in the Plan from time to time as required. See AD11.5 (designations) below.

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

AD11.3.11 Potential quarry overlay

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

AD11.3.12 Scheduled frontages

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

AD11.3.13 Airport effects overlays

Indicate areas likely to be subject to the effects of certain predicted noise levels from the operation of Nelson Regional Airport. The lines which form the boundaries of the Airport Effects Advisory Overlay represent noise levels predicted for the year 2020 from aircraft movements to and from the airport. From a 1994 base the predictions assume 10% growth in aircraft movements per year until 1999 and then 3% per annum for 21 years.

a) Airport Effects Control Overlay

The outer limit of the Airport Effects Control Overlay represents a predicted noise level of Ldn 60 dBA (34.6 Pasques). The outer line has been slightly adjusted to take into account property boundaries. Land within this overlay is expected to be exposed to potentially high noise levels from the airport. Rules in the Plan restrict the density of housing in the Effects Control Overlay to avoid increasing the number of residential units exposed to the noise. Acoustic insulation is required for new residential units or significant alterations to existing units. Where resource consents are required (eg for activities that are not residential, as defined in the Plan), the effects of noise will be taken into account. The approximately Ldn 65 dBA (109 Pasque) contour (the Airnoise Boundary), which is within the inner edge of the Airport Effects Control Overlay, also regulates the maximum noise levels that the aircraft operations can generate at the airport. This line is based on aircraft movement growth to 2020, at the rates stated above.

b) Airport Effects Advisory Overlay

This is the area between the Ldn 60 dBA (34.6 Pasque) and the Ldn 55 dBA (10.9 Pasque) predicted noise level boundaries. The lines bounding the overlay have been adjusted to

^{PC13} Plan Change 13 (Marsden Valley)

take account of property boundaries. There are no rules that apply to the Airport Effects Advisory Overlay. It is for information - to advise people of the levels of noise that the area is likely to be subject to in the future. The presence of the Effects Advisory Overlay may be taken into account when resource consent applications are being considered.

AD11.3.14 Port effects control overlays

~~Indicates an areas likely to be subject to the effects of noise levels from the operation of Port Nelson Port Industrial Area. Unlike the airport, the noise management provisions are based on present noise levels, as the Port Company's intention is to maintain or reduce these levels over the lifetime of the Plan.~~

~~a) Port Effects Control Overlay~~

~~The outer limit of the Port Effects Control Overlay represents a predicted noise level of 34.6 10.92 Pasques (Ldn 60 55 dBA). The line has been slightly adjusted to take in property boundaries. Land within this overlay is expected to be exposed to potentially high varying degrees of noise levels from port operations depending on the location of the land with respect to the Port. Rules in this Plan place some restrictions on housing in this area to avoid increasing the number of residential units exposed to the noise.~~

~~Acoustic insulation is required for new residential units or significant alterations to existing units. Where resource consents are required (eg for activities that are not residential, as defined in the Plan), effects of noise will be taken into account. The approximate 109 Pasques (Ldn 65 dBA) contour (the Port Noise Limit Line), which is within the Port Effects Control Overlay, also regulates the maximum noise levels that the port operations can generate at Port Nelson.~~

~~b) Port Effects Advisory Overlay~~

~~This is the area between 34.6 Pasques (Ldn 60 dBA) and 109 Pasques (Ldn 55 dBA) noise level boundaries. The lines bounding the overlay have been adjusted to take account of property boundaries. There are no rules that apply to the Port Effects Advisory overlay. It is for information - to advise people of the levels of noise that the area is likely to be subject to in the future. The presence of the Effects Advisory Overlay may be taken into account when resource consent applications are being considered.~~

~~*This is subject to a reference to the Environment Court (RMA 069/99). The relief sought is the replacement of the words "Port Nelson" with "port operational area".*~~^{07/04}

AD11.4 Scheduled sites

AD11.4.i Some activities are located in zones where they do not comply with the ordinary zone standards. An example is a service station in the Residential Zone. Confinement to commercial areas would not allow the necessary distribution of such services across all areas of the city. These activities are provided for by scheduling and regulating them especially on their identified site. The intention of this is to ensure the continuation of a service to the community and protect the investment committed to buildings and site development. Opportunity to expand on site may be provided for such activities, which is a more liberal regime than existing use rights provided for under section 10 of the Act.

AD11.4.ii Schedules are also used in the Open Space and Recreation Zone to indicate permitted activities in different classes of land within that zone.

AD11.4.iii The rules that apply to the activity and site are stated in the relevant schedule. The schedules are located after the rule table in the relevant zone. The relationship between the schedule and the rule table is set out within each schedule.

^{07/01} Port Noise Variation Notified 14/07/07

AD11.4A.i Structure Plans or Outline Development Plans are used to achieve the integrated management of the effects of developing larger areas of land, often held in multiple ownership, particularly in an urban or urban fringe context. A Structure Plan or Outline Development Plan provides an overall plan to guide integration of those elements that will achieve a quality urban environment (ie streets, walkway connections, open space and natural values, character and activities), and through development being in general accordance with the Structure or Outline Development Plan ensures that individual landowners incrementally work in a co-ordinated and orderly way towards a planned and sustainable urban environment.

AD11.4A.ii The Structure Plans or Outline Development Plans are located either within Scheduled Sites for various locations and zones throughout the district, for example in the Residential and Rural Zone rules (Chapters 7 and 12), and/or in the planning maps contained in Volume 4 of the Plan. Structure or Outline Development Plans incorporated in the Nelson Resource Management Plan have the effect of a rule and must be complied with to the extent specified in the relevant rule.

AD11.4A.iii A number of the specific resource management issues that may affect any future development area are covered by overlays on the planning maps, and to avoid duplication of spatial information these are not shown on the Structure Plans or Outline Development Plans. Rules relevant to those overlays are located in the rule table in the relevant zone. The zone and area maps, overlays, zone rules and Structure Plans or Outline Development Plans, and schedules if relevant, need to be read together in determining the status of activities and issues that may impact on the pattern and intensity of development.

AD 11.4A.iv The Structure or Outline Development Plans may include zones where the pattern and intensity of development anticipated for an area may assist in explaining the location, linkage and scale of transportation, service and other linkages across parcels of land within the Structure or Outline Development Plan area.

AD11.4A.v Other information that may be shown on the Structure or Outline Development Plans include the items below. Sections AD11.4A.v - AD11.4A.viii provide the definition and intent of these items:

- a) Roads: The purpose of roads on Structure or Outline Development Plans is to achieve good integration between land use and transport outcomes, having regard to the intensity of development and providing a choice in transport routes where appropriate. They are also used to ensure road linkage between different physical areas or catchments (ie valleys) which will enhance transportation outcomes, contact between communities, access to key commercial services, amenities and community facilities, and improve the quality of the urban environment. They do not show the full roading network required to service any future development of the area. The roads (shown indicatively) may potentially arise in a wider context than merely the Structure Plan or Outline Development Plan area.
- b) Walkways: The purpose of the walkways on Structure or Outline Development Plans (these can also be cycleways where the terrain is suitable) is to promote recreational opportunity through off-road linkages within and surrounding the urban area, to provide for choice in transport modes, and to promote the safe and efficient movement of people and vehicles by resolving potential tensions between pedestrians, cyclists and motor vehicles.
- c) Biodiversity corridors: The purpose of biodiversity corridors is to contribute to natural values within, through, and beyond the urban environment, and assist where appropriate in meeting the open space, recreational, riparian, low impact storm water management, landscape setting and amenity objectives of quality urban design. "Biodiversity corridor" is defined in Chapter 2 of the Plan.

^{PC13} Plan Change 13 (Marsden Valley)

d) Greenspace: The purpose of ‘greenspace’ is to offset the surrounding residential development and ensure an open space, or vegetated network is created which is integral to the community in the area. ‘Greenspace’ and biodiversity corridors can exist together as they will often achieve compatible goals. The ownership of this land is by default private. In private ownership the ongoing maintenance is the responsibility of the developer and/or final owner, and the methodology for future management of these areas will need to form part of any subdivision proposal under which they are created. Council may purchase some, or all, of this land for reserves purposes, with its decision based on a scheme plan presented as part of an application for subdivision consent. “Greenspace” is defined in Chapter 2 of the Plan.

AD11.4A.vi Subdivision applications are to show how they provide for items on a Structure Plan or Outline Development Plan including those listed in AD11.4A.v a)-d). In relation to location these items are generally shown “indicatively” on the Structure or Outline Development Plan as they show an intent rather than precise location for those features. These then form a matter of control which the Council will exercise as part of any subdivision consent process. It is intended that this provides an element of design flexibility to meet both the objectives of the Council and the developer, but while still achieving the overall objective of integrated and sustainable urban resource management and development.

AD11.4A.vii For the purpose of interpretation of any rules relating to Structure or Outline Development Plans, the term “generally accord” shall mean that items shown on these plans must be provided for in the general locations shown, within the development area and linking to adjoining areas if required. It is not intended that the positions are exact or can be identified by scaling from the Structure Plan or Outline Development Plan, it is intended that connections between points are achieved or provided for and are not restricted. The final location will depend upon detailed analysis of the physical suitability of an alignment (including the presence of existing natural features and ecologically sensitive habitats such as streams where providing for biodiversity corridors), other servicing implications, appropriate location in respect of final residential development layout and amenity, and costing considerations. The key proviso is the final location must be logical, and efficiently serve the catchments and destinations.

AD11.4A.viii The primary objective of roads, walkways/cycleways or biodiversity corridors is connectivity. Compliance with the rules requires that connection is provided within each stage of development, and to adjoining property boundaries at the appropriate stage, and is not restricted or prevented through the use of “spite strips” or other methods which could lead to adjoining land becoming landlocked or connectivity being compromised.^{PC13}

AD11.5 Designations

A Minister of the Crown or a local authority with financial responsibility for a public work, or a network utility operator which has been approved as a requiring authority under section 167 of the Act may require land to be designated within the Plan. The designations are contained in Appendix 24 and indicated on the Planning Maps.

^{PC13} Plan Change 13 (Marsden Valley)

AD11.6 Roads – zoning

AD11.6.i Roads have the same zoning as the land that surrounds them. Where a road runs along the boundary between two zones, the zone boundary is the centre line of the road. Where a road runs beside the coast (for example Rocks Road), the boundary of the Coastal Marine Area is mean high water springs, not the centre of the road, and therefore the entire road is in a land zone. A bridge has the zoning of the river bed or other land beneath it.

AD11.6.ii Note that a road in the context of this Plan means the entire road reserve between the boundaries of adjoining parcels of land, not just the formed carriageway. Roads are generally represented without zone colouring on the Planning Maps. They are left white to provide orientation to map users and to provide a ready reference point to find properties.

AD11.7 Water bodies – zoning

AD11.7.i Land forming part of a water body, where not otherwise zoned, takes the zoning of the land that surrounds it. Where a water body occurs on the boundary between two zones, the zone boundary is the centre of the water body. Note: a river bed is normally wider than the channel where the water usually flows.

AD11.7.ii Water bodies owned by the Crown or the Council are often represented without zone colouring on the Planning Maps. They are left white to provide orientation for map users.

AD12 Boundaries that cross sites

Boundaries of zones, areas and overlays are shown on the Planning Maps and generally following cadastral (property) boundaries. Where a boundary crosses a site, and the Planning Maps have insufficient detail to indicate the exact location of the boundary, it will be taken as following any land contours or other physical features relevant to the policies and objectives of the zone, area, or overlay as the case may be. Unless shown otherwise, the boundary between any zone or overlay and the Coastal Marine Area will be mean high water springs.

AD13 Numbering system of the plan

A paragraph numbering system has been included, combining letters and numbers. The intention is to assist with the submission process, so that each objective, policy, paragraph or rule (or part of a rule) have a unique identifier associated with it. The letters are used to help identify the chapter and type of provisions, eg. “ICr” is Inner City Rule.

RI7.v Potential adverse effects on the soil resource may occur as a result of activities which are inappropriate. Such activities are likely to be those which disturb the surface of the soil or remove land area permanently from productive use, which may cause effects such as soil compaction, loss of water holding capacity, loss of soil depth available for plant roots, loss of soil structure, loss of micro-organisms, and loss of fertility as well as more obvious forms of erosion.

RI7.1 The issues

RI7.1.i Erosion and degradation of soils and the life supporting capacity of soils as a result of inappropriate land use and development.

RI8 Coastal environment

RI8.i While the total land area administered by Nelson City Council is comparatively small in size, the Council administers an important and varied coastal environment. This environment includes areas of high conservation, cultural, scenic, commercial, re creation, and amenity value, as well as containing the major port for the Nelson/Tasman area. Refer Chapter 2 (Meanings of Words) definition for Coastal Environment.

RI8.ii The Resource Management Act places special emphasis on the preservation of the natural character of the coastal environment and the special relationship of Maori with the coast. In order to guide resource management in the coastal environment, the Minister of Conservation prepared the New Zealand Coastal Policy Statement which was gazetted in 1994.

RI8.1 The issues

RI8.1.i Areas of cultural significance being adversely affected by works and uses.

RI8.1.ii Natural values being adversely affected by current and future development needs of port operations.

RI8.1.iii Coastal discharges resulting in degradation of coastal water quality; particularly in the estuarine areas of Nelson Haven and Waimea Inlet where there are sensitive values and a high degree of usage.

RI8.1.iv Subdivision and development impacting on coastal landscapes, natural areas and habitats

RI8.1.v Lack of public access and potential future loss of public access along the coasts as a result of private land ownership and structures.

RI8.1.vi Navigation and safety concerns related to the use of small craft.

RI8.1.vii Potential degradation of the coastal environment due to increase in visitors and recreational use.

RI8.1.viii Natural character of the coastal environment being adversely affected by coastal structures and physical works such as reclamation and impoundment particularly outside the functional area of Port Nelson.

RI8.1.ix Cumulative adverse effects of activities impacting on the natural character of the coast and on natural processes associated with sand and shingle extraction and spoil disposal.

- R18.1.x** Potential for development in areas subject to coastal erosion and accretion.
- R18.1.xi** Potential adverse effects as a result of the development of aquaculture.
- R18.1.xii** Marine reserves, taiapure, and mahinga mataitai proposals conflicting with other uses and values.
- R18.1.xiii** Particular importance placed on controls over activities in the foreshore and seabed by the RMA.

RI9 Risk from natural hazards

RI9.i Natural hazards have the potential to place both human life and properties at considerable risk. While in many instances the probability of such events may be low, their consequences or effects on a built up urban environment may be dramatic.

RI9.ii Natural processes, including erosion and inundation, are not 'hazardous' in themselves - rather they become hazards when they interact with human activities. Natural hazards arise when human development is so located or designed that it interacts with natural processes. Human responses to natural hazards can worsen natural hazards elsewhere and/or can have adverse effects on natural values and the environment. Activities not related to natural hazard response can also interfere with natural processes and create new natural hazards, for example earthworks in floodways.

RI9.iii Works intended to protect persons or property from natural hazards may have significant adverse effects on the environment. Unless they are carefully designed with an adequate knowledge of the associated natural processes involved they may also be ineffective or even make problems worse in other locations.

RI9.iv In the past, development has often intensified in areas subject to natural hazards concurrent with protection of remedial work programmes.

RI9.v Natural phenomena which have historically or may in the future place the District's population and resources at risk include:

a) Flooding

A feature of the city's location within the flood plains of several river catchments (Maitai, Brook and York), with urban storm water discharges compounding natural runoff.

b) Land Instability

A feature of the geological setting of the district and land use practices within both the urban area (for example the Tahunanui slump) and its hinterland (clearance of vegetation causing soil erosion and sedimentation).

c) Earthquakes

Nelson is traversed by several active faults and lies in close proximity to parts of the Alpine Fault system. Damage in past earthquakes has largely been due to ground shaking, however, more severe localised seismic activity could induce slope failure, land rupture along faults, or liquefaction.

d) Tsunami

Four tsunami (seismic sea wave) events have been recorded in the Nelson area in the past 150 years, the most severe with 1.5m waves outside the Boulder Bank.

e) Coastal Erosion

A feature of the dynamic processes of erosion and deposition of coastal material, evident in the form of the Boulder Bank and Tahunanui Beach.

f) Fire

A feature of the area's dry climate and the extent of exotic forests and other flammable vegetation.

Buildings placed nearby might affect views of the tree or constrain its future growth. In implementing this policy, stricter standards will apply to Heritage Trees than to other trees, to reflect their relative importance.

policy

DO4.1.12 incentive for protection

Flexibility in development controls should be allowed on sites identified by a Heritage Overlay, where:

- a) the values for which the site or item was listed are not adversely affected by the development, and*
- b) any adverse effects on adjoining sites are minor, and*
- c) there is a resulting environmental benefit from protection of the item identified in the Heritage Overlay.*

Explanation and Reasons

DO4.1.12.i Those items which come within a Heritage Overlay are defined under 'Heritage Overlay' in Chapter 2 of this Plan (Meanings of Words). This policy provides an incentive to owners to protect heritage items, trees and other sites. It signals that trade offs on the remainder of the site may be possible where an item is protected. These could be in the form of being allowed to exceed building coverage, site size, parking or to depart from other rules in this Plan. Since it is the wider community that benefits from heritage protection and similar protection, the policy requires that any effects of the departure from the rules in this Plan are generally borne by the wider community. There should not be other than minor effects on neighbours. Thus, depending on the circumstances, increased coverage, or departure from the shape factor requirement for a site may have no significant effect on a neighbouring property. On the other hand, exceeding the daylight angles might have such effects. An important rider to the policy is that any incentives granted in the process should not adversely affect the values of the protected item.

policy

DO4.1.13 heritage precincts

- a) Where there are groupings of heritage buildings or objects which together have particular merit, the group should be managed as a heritage precinct.*
- b) The special heritage character and streetscape value of heritage precincts shall be preserved and enhanced, having regard to the contribution existing buildings make, or new buildings would make, to the character of the precinct as a whole.*

Explanation and Reasons

DO4.1.13.i Seven heritage precincts have been identified in the Residential Zone as having special streetscape and heritage significance. These are South Street; Elliott Street; Russell Street; Dear Cottages - Rutherford Street; Fountain Place, Alton Street and Seymour Avenue. In the Inner City Zone, five heritage precincts have been defined: Upper Trafalgar Street; Lower Trafalgar Street (East side); Bridge Street (East); Hardy Street (East, South side) and Albion Square.

DO4.1.13.ii The qualities of these areas vary from specific architectural styles, the age and historical association of buildings, through to the character of a high level of building density. The focus of the precincts is on streetscape - that is, those parts of the buildings that can be seen from the public road. The policy recognises that a group of heritage buildings can be more significant and have more visual impact than each of the individual buildings separately. Within a group, individual buildings may not be outstanding in their own right, but their loss may have a significant impact on the group. The precincts also include some modern buildings. This allows a long term approach to be taken so that if any of these sites are redeveloped or altered particular regard can be had to ensuring any new design enhances the precinct overall.

Methods (policies DO4.1.2, DO4.1.3, DO4.1.4, DO4.1.6 - DO4.1.12)

DO4.1.13.iii Listing in Appendices 1, 2 and 3, and indicating on the Planning Maps heritage buildings, places, and objects, heritage precincts, protected trees, archaeological sites, and sites of significance to iwi.

DO4.1.13.iv Design guides for renovating and altering existing identified heritage buildings and for renovations, alterations, and new buildings within Heritage Precincts.

DO4.1.13.v The Council will contribute to the community funded Heritage Trust Fund. Owners of heritage items may apply to the Trust for assistance with such matters as building preservation, strengthening, or maintenance, or obtaining expert advice e.g. engineering or architectural advice.

DO4.1.13.vi Education of the location, history, and significance of Nelson’s heritage features, including trees.

DO4.1.13.vii Consider using awards to recognise sympathetic new buildings or restoration, or subdivisions, or developments which take care to retain trees.

DO4.1.13.viii Provide information on restoration techniques for buildings, and on tree care.

DO4.1.13.ix Rules relating to:

a) demolition, removal, alteration, and subdivision of identified heritage items, trees, or features of significance to iwi.

b) the maintenance of the heritage significance of any buildings in relation to any proposed construction, alteration, demolition, or removal of buildings in heritage precincts.

DO4.1.13.x Favourably consider departure from plan rules on other aspects of development if trees or heritage items are protected.

DO4.1.13.xi Tree planting and landscaping, and provision of appropriate non-standard services in precincts e.g. street lights and paving appropriate to the heritage theme.

DO4.1.13.xii Provide free or reduced cost tree inspection and pruning service by the Council for Heritage Trees.

DO4.1.13.xiii Purchase trees, or require as part of a reserves contribution on subdivision.

DO4.1.13.xiv At Ngawhatu Valley (ex Ngawhatu Hospital site) identification and protection of essential and significant trees beyond trees individually listed in the Plan at the time of subdivision.

DO4e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
DO4e.1 Increased knowledge by the public and property owners of heritage values of buildings, objects, and trees.	DO4e.1.1 General level of community discussion and debate.	News media, correspondence on Council files, uptake of educational material and programmes provided by Council.
DO4e.2 Retention of heritage buildings, objects and trees.	DO4e.2.1 Adaptation of heritage buildings to new uses. New development that accommodates listed trees. Number of listed trees and heritage items remaining, removed with consent or without consent.	Council records, demolition consents granted, New Zealand Historic Places Trust register. (Inclusion on the register does not provide protection for heritage items, but informs the public of their heritage value.)

D05 Natural values

D05.i Nelson contains a wide range of significant natural features vital to the character and diversity of the District. As well as regionally significant features such as remnant areas of indigenous forest and wetland, there are features of national and international significance including the Nelson mineral belt, Nelson Boulder Bank, and extensive coastal inlets and estuaries. (See Issues in Chapter 4, particularly RI5 - landscape, seascape and open space values and RI6 - natural features.)

objective

D05.1 natural values

An environment within which natural values are preserved and enhanced and comprise an integral part of the natural setting.

Reasons

D05.1.i In the past much development has been at the expense of natural values. This Plan seeks to move towards a situation where development is not at the expense of natural values, and where appropriate and achievable development complements natural features. In relation to the urban area this means promoting an urban form that respects and works in harmony with the natural environmental features and patterns of an area. Good urban design practice can preserve natural areas and values by appropriate ecological design, and at the same time potentially increase usable green space within urban developments.^{PC13}

D05.1.ii In the Nelson City area, indigenous communities with priority for protection are:

- Alluvial forest
- Coastal sand dune, spit and boulder communities
- Coastal forest and shrub land
- Estuarine communities
- Ultramafic communities
- Freshwater wetlands and riparian forest

policy

D05.1.1 areas with high natural values

Some areas with high natural values are identified in this Plan, and will be managed in such a way as to protect and enhance those values. Other areas that have high natural values will be identified in accordance with the criteria in Table D05.1, and managed in such a way that protects and enhances those values.

Explanation and Reasons

D05.1.1.i Human settlement has resulted in dramatic changes to natural values. Indigenous vegetation has been cleared or modified, exotic animals introduced, wetlands drained or filled, coastal protection works built, and the contour of the land has been changed. Where areas of high natural value are readily identifiable, these should be mapped and protected from adverse effects. In other cases the values should be taken into account when considering any resource consent application.

D05.1.1.ii Where investigation reveals additional significant natural areas identified in accordance with the criteria contained in Table D05.1, Council will undertake full consultation with landowners or occupiers and will consider initiation of a plan change to include the newly identified areas in the Plan.

Methods

DO5.1.1.iii Map areas of significant conservation value as Conservation Overlay and Marine Areas of Significant Conservation Value on the Planning Maps, and regulate by rules to protect and enhance the natural values of the area.

DO5.1.1.iv Assess all resource consent applications against the criteria in Table DO5.1, and where one or more of the criteria are relevant, place conditions on any resource consents granted in order to protect natural values.

DO5.1.1.v Prepare a Regional Pest Management Strategy which will, among other things, seek to prevent pest damage to areas of high natural value.

DO5.1.1.vi Encourage landowners, including the Department of Conservation, to fence off areas of high natural value, control pests and where appropriate consider providing assistance.

DO5 1.1.vii Where appropriate in the rural area assist landowners with the preparation of Property Plans having regard to the size of the property involved and the net environmental benefit to be achieved.

DO5.1.1.viii Schedule the values of sites mapped in the Conservation Overlay

DO5.1.1.ix Take into account any active protection of significant natural areas when considering proposals for development of properties and may consent to matters such as reduced minimum lot size or additional dwellings where active protection is resulting in a net environmental benefit.

policy

DO5.1.2 linkages and corridors

Promotion of linkages and corridors between areas of natural vegetation.

Explanation and reasons

DO5.1.2.i ~~Small pockets~~ Areas of indigenous vegetation are often too small to support viable populations of animal and plant species. Linking pockets together, or providing new links from larger areas of habitat, can provide significant improvements to the more than double the native birds biodiversity in either any of the two individual areas. This can also result in greater interaction between people and the environment. The maintenance of such connections is crucial to natural system sustainability and will enhance the Plan's ability to protect indigenous wildlife and fauna biodiversity. Rivers (and potentially wetlands) provide opportunity for continuous habitat biodiversity corridors.^{PC13}

DO5.1.2.ii Biodiversity corridors are shown on various Structure Plans and Outline Development Plans in association with areas identified for future urban growth. These have three primary functions:

- protection, enhancement or restoration of natural values and the capacity or natural functioning of ecosystems and their processes to support a range of life;
- protection, enhancement or restoration of the capacity for natural ecosystem processes (such as the migration of animals or dispersal of plants) to function between different parts of the environment ie connectivity between ecological areas;
- to increase the interaction between humans and the natural environment.^{PC13}

By improving biodiversity features in urban design, working with the natural characteristics of a site, and enhancing or emphasising natural features such as riparian areas and mature vegetation, biodiversity corridors may also have a positive impact on the quality of the urban environment by:

- integrating built development within its landscape setting;
- encouraging people to connect with and interact with their local natural environment;
- shaping community identity or a sense of place;
- providing amenity to neighbourhoods;
- protecting water bodies from the undesirable effects of land development ie earthworks and sedimentation
- assisting in the management of stormwater discharges through retention and low-impact stormwater treatment;
- inclusion of passive public use and access;
- enhancing open space values.

DO5.1.2.iii Biodiversity corridors are intended to preserve habitat that has functional connections with other existing natural communities. By showing biodiversity corridors on the planning maps / structure plans, there is potential to co-ordinate habitat preservation between properties and with regard to the wider ecosystem values. These corridors primarily recognise the presence of existing features of likely ecological value such as waterways and riparian margins, gullies, and existing trees or habitats, and the preservation, enhancement or restoration of inter-connectivity of these.

DO5.1.2.iv Biodiversity values can be integrated in urban environments at the three development phases of design, construction and post-construction. The Plan seeks that this is addressed as part of any application for subdivision consent, particularly for greenfield development. This requires an understanding of the site in terms of such matters as its water catchments, ecosystems type, and proximity to other existing and potential open space and conservation networks. Corridors and linkages should incorporate vulnerable areas such as waterways and reflect natural landscape connections where established, supported where possible and appropriate by human-made connections. Often streams and gullies will form natural boundaries within the landscape and therefore provide opportunity for restoration and access without unreasonably compromising development potential elsewhere. Areas must be large enough to maintain ecological processes for the health and integrity of the ecosystem and to buffer conflicting uses. The width of corridors will vary for this reason; a minimum width of 20m is required.

DO5.1.2.v Consideration also needs to be given to their long-term management. There is a variety of methods for this, and to achieve the Council's objectives for natural values and biodiversity within urban subdivision design, for example consent notices, conservation or private covenants, esplanade and other reserves under the ownership and maintenance of the Council or other statutory body, or alternative design initiatives such as cluster development accompanied by preservation of natural open space or extension of tree planting into private property or the street network.^{PC13}

Methods

DO5.1.2.ii Education on the benefits of corridors.

DO5.1.2.iii Promotion of linkages and corridors in "Property Plans".

DO5.1.2.iv Promoting ways to protect any existing indigenous vegetation such as covenants.

DO5.1.2.v Encouraging regeneration and revegetation projects.

DO5.1.2.vi Revegetation and pest control, assistance with costs of covenants.

DO5.1.2.vii Active involvement in the negotiation of covenants.

DO5.1.2.viii Council's own acquisition of riparian reserves along margins of streams and rivers.

DO5.1.2.ix Council's own plantings of indigenous trees and shrubs.

DO5.1.2.x Provision of biodiversity corridors on Structure Plans, Outline Development Plans and/or within the Planning maps, as a matter for assessment and response through subdivision applications.

DO5.1.2.xi Flexibility in development outcomes or design initiatives for land where accompanied by the protection, restoration or enhancement of biodiversity corridors or natural open space linkages.^{PC13}

policy

DO5.1.3 work with landowners

Active participation of landowners is seen as vital to the protection and enhancement of significant natural areas. Council will work with landowners, recognise their stewardship and current management practices, and will favour the use of non regulatory methods, including assistance with the establishment of protective covenants, service delivery, education, and other incentives.

Explanation and Reasons

DO5.1.3.i Council recognises that the protection and enhancement of significant natural areas on private land is best achieved through working with landowners. While rules in plans can provide some protection to significant natural areas they do not deal well with issues such as equity, control of pests or weeds, or browsing by animals. Further the use of rules and resource consent processes may penalise landowners who have protected these areas and may be a disincentive to further proactive management. Often significant natural areas only remain on privately owned land because they are valued and/or have been actively managed by the landowner. It is vital to recognise and support the landowners' stewardship of these areas and implement methods which assist landowners to achieve the best conservation outcomes.