

rules rural zone

RUr Rules

RUr.1 Rule table - rules

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

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

RUr.2 Prohibited activities

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

- a) Use, storage, or disposal of radioactive material with an activity exceeding 1000 terabecquerels.
- b) Subdivision of land that is part of a papakainga development as defined in Sch.P

RUr.3 Permitted activities

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

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

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

RUr.4 Controlled activities

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

RUr.5 Discretionary activities/ restricted discretionary activities

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

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

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

RUr.6 Non-complying activities

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

RUr.7 Scheduled sites

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

RUr.8 Controlled activities and restricted discretionary activities

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

Matters over which control is reserved or discretion restricted:

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

RUr.9 Regional rules, and regional and district rules

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

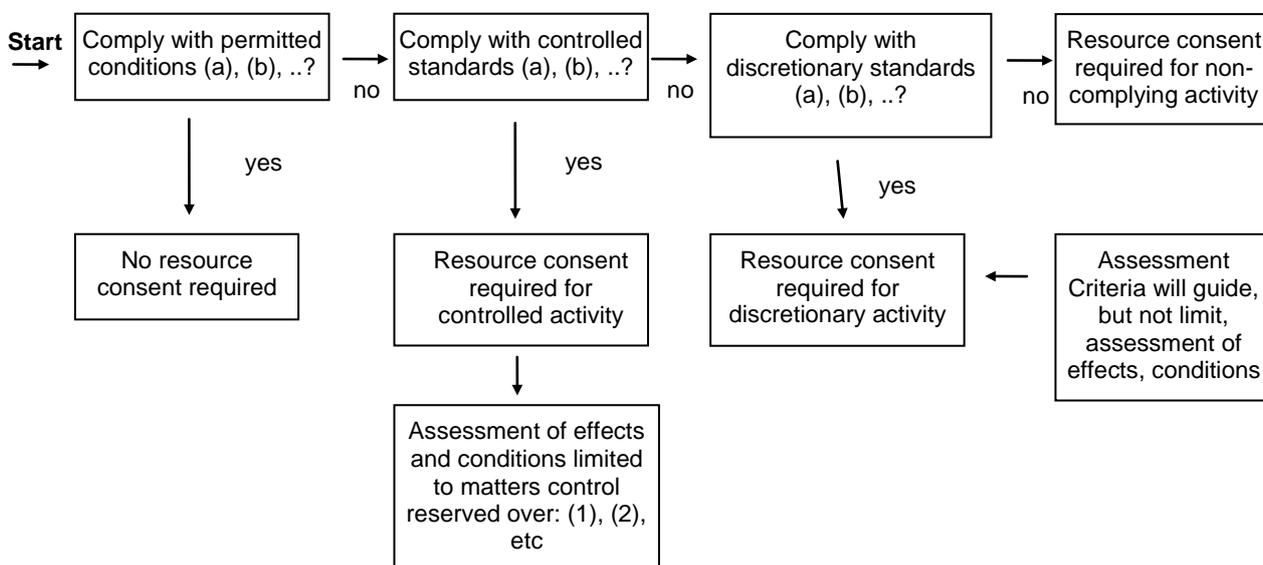
RUr.10 Reading the rule table

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

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

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

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



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

Contents of rural zone rule table

RUr.20	Permitted activities - general
RUr.21	Boarding of cats
RUr.22	Boarding of domestic animals (excluding cats)
RUr.23	Closing times - services to the public
RUr.24	Clearance of indigenous forest (not covered in the Conservation Overlay)
RUr.25	Vegetation clearance (other than indigenous forest)
RUr.26	Soil disturbance
RUr.27	Earthworks
RUr.27A	Landfill
RUr.28	Buildings (all)
RUr.29	Building on low lying sites
RUr.31A	Building over or alongside drains and water mains
RUr.32	Buildings - height
RUr.33	Site coverage for structures, storage, and utility yard areas
RUr.34	Forestry and shelterbelts - separation
RUr.35	Parking and loading
RUr.36	Access
RUr.37	Access on State Highways
RUr.38	Signs
RUr.39	Aerials
RUr.40	Radioactive material
RUr.41	Radiofrequency exposure levels
RUr.42	Buildings near transmission lines
RUr.43	Structures on the Road Reserve
RUr.44	Network utilities - overhead wires
RUr.45	Minor upgrading of electricity transmission lines and support structures
RUr.46	Network utility - roads
RUr.47	Noise
RUr.48	Hazardous substances - use and storage
RUr.49	Papakauinga Development (Sch.P)
RUr.49A	Services Overlay - Building
Rules relating to overlays on Planning Maps	
RUr.50	Coastal Environment Overlay, Archaeological Overlay - Structures
RUr.51	Coastal Environment Overlay - Minor upgrading of electricity transmission lines and support structures
RUr.52	Archaeological Overlay - Earthworks
RUr.53	Coastal Environment Overlay - Earthworks
RUr.54	Landscape Overlay - Structures
RUr.55	Landscape Overlay - Minor upgrading of electricity transmission lines and support structures
RUr.56	Landscape Overlay - Earthworks
RUr.57	Conservation Overlay - Structures, soil disturbance and vegetation clearance
RUr.58	Riparian Overlay - Activities on land identified with riparian values
RUr.59	Archaeological Sites
RUr.60	Fault Hazard Overlay
RUr.61	Grampians Slope Risk Overlay - Earthworks
RUr.62	Flood Overlays - Structures and earthworks - Rural Zone
RUr.63	Land Management Overlay
RUr.64	Heritage Buildings, Places and Objects Overlay - Alterations to Group A and B items
RUr.65	Heritage Buildings, Places and Objects - New Buildings on the site of a Heritage Item
RUr.66	Heritage Buildings, Places and Objects Overlay - Demolition or removal of Group A and B items
RUr.67	Heritage Buildings, Places and Objects Overlay - Demolition or removal of Group C items
RUr.68	Heritage Trees - Trimming of a Heritage Tree identified in Appendix 2
RUr.69	Landscape Trees - Trimming of a Landscape Tree identified in Appendix 2
RUr.70	Heritage and Landscape Trees Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2
RUr.71	Heritage and Landscape Trees Removing or destroying a Heritage or Landscape Tree identified in Appendix 2
RUr.72	Local Trees - Removing a Local Tree identified in Appendix 2

Contents of rural zone rule table continued

RUr.73	Potential Quarries Overlay - Building
RUr.74	Flaxmore Quarry (Scheduled Site - Sch.Q)
RUr.75	York Valley Quarry (Scheduled Site - Sch.R)
RUr.76	Marsden Quarry (Scheduled Site - Sch.S)
RUr.77	Marsden Valley (Schedule Site – Sch I)
RUr.77A	Marsden Hills (Scheduled Site – Sch. V) – refer to Residential Zone Chapter 7
RUr.77B	Enner Glynn and Upper Brook Valleys (Structure Plan – Schedule W)
Subdivision rules	
RUr.78	Subdivision - General
<i>Subdivision Rules relating to Overlays on the Planning Maps</i>	
RUr.79	Subdivision within the Coastal Environment Overlay
RUr.80	Subdivision within the Landscape Overlay
RUr.81	Subdivision within Heritage Overlays
RUr.82	Subdivision within Natural Hazard Overlays
RUr.83	Subdivision within the Conservation Overlay
RUr.84	Subdivision within the Grampians Slope Risk Overlay
RUr.85	Subdivision within the Services Overlay
Freshwater rules	
	(Refer Appendix AP28.9 for freshwater rules)

rule table

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.20 Permitted activities General	RUr.20.1 Any activity is a permitted activity provided that: a) it does not contravene any other relevant rule in this rule table, and b) the activity is not an industrial activity exceeding 300m ² , and c) the activity does not include intensive commercial livestock farming, and d) the activity is not a commercial activity with a gross floor area including any outside storage exceeding 300m ² , and e) the activity is not an industrial or commercial activity which is located within the Rural Zone - High Density Small Holdings Area. Here Rule REr.21 (Home Occupations) applies.	RUr.20.2 not applicable	RUr.20.3 Activities that contravene a permitted condition are discretionary and if: a) In the case of intensive commercial livestock farming: i) any building, compound or part of a site used for the purpose is set back greater than 60m from any site boundary or greater than 200m of any Residential Zone boundary, and ii) except where the building, compound or part of a site is to be used for the keeping of pigs or poultry in which case such facilities shall be set back greater than 1200m from a Residential Zone boundary or place of public assembly, or greater than 300m from any site boundary, and iii) the building, compound or part of a site is set back at least 30m from any watercourse. Activities which contravene one or more of these standards are non complying under a).
RUr.21 Boarding of cats	RUr.21.1 Boarding of cats is permitted, if: a) the building, compound or part of a site used for the purpose is set back at least 10m from any site boundary, and b) the building, compound or part of a site is greater than 30m from any watercourse.	RUr.21.2 not applicable	RUr.21.3 Activities that contravene a permitted condition are discretionary.
RUr.22 Boarding of domestic animals (excluding cats)	RUr.22.1 Boarding of domestic animals (excluding cats) is not a permitted activity.	RUr.22.2 not applicable	RUr.22.3 Boarding of domestic animals other than cats is discretionary if: a) any building, compound or part of a site used for the purpose is set back at least 30m from any site boundary, and 200m from any Residential Zone boundary, and b) the building, compound or part of a site is set back at least 30m from any watercourse.

rural zone

Assessment Criteria	Explanation
<p>RUr.20.4</p> <ul style="list-style-type: none"> a) compliance with any relevant standard or industry code of practice (such as the pork industry code of practice). b) the extent to which there will be effects on the general amenity and rural character of the area and on any adjacent Residential Zone. c) the location of any dwellings on adjacent properties, and the likelihood of future dwellings being erected given any overlay areas and existing subdivision patterns. d) the volume and type of materials and products on site or in the case of factory farming the numbers and type of stock. e) the extent to which any effects may be mitigated by climatic, geographic or management action. f) any mitigation measures to be taken to ensure that contamination does not affect groundwater or does not reach any watercourse. g) the location of any intakes for water supply purposes. h) the protection of areas of significant conservation value identified in accordance with the criteria contained in Table DO5.1 	<p>RUr.20.5</p> <p>Industrial and commercial activities in rural areas have the potential to have high levels of impacts on the amenity of adjacent activities and zones. This rule provides limits to the extent of any industrial or commercial activity beyond which each one is to be considered on its merits.</p> <p>Lot size in the Rural High Density Small Holdings area is closer to that provided for within the Residential Zone than to that provided for within the Rural Zone. As a consequence, industrial or commercial activity is only permitted in the Rural High Density Small Holdings area where it satisfies the requirements of Rule REr.21 which controls home occupations within residential zones.</p>
<p>RUr.21.4</p> <ul style="list-style-type: none"> a) the location of any dwellings or public gathering facilities on adjacent sites. b) the potential for additional dwellings to be erected in the neighbourhood, bearing in mind any overlay areas and subdivision patterns. c) the number of cats to be accommodated. d) the extent to which any effects may be mitigated, such as soundproofing and landscaping. e) any geographic features or climatic conditions which may mitigate any effects. 	<p>RUr.21.5</p> <p>Provides a buffer between the activity and adjacent activities or zones. Cats are provided for separately from other domestic animals as it is recognised that noise is not normally an issue with boarding cats.</p>
<p>RUr.22.4</p> <ul style="list-style-type: none"> a) the location of any dwellings or public gathering facilities on adjacent sites. b) the potential for additional dwellings to be erected in the neighbourhood, bearing in mind any overlay areas and subdivision patterns. c) the number and types of animals to be accommodated. d) the extent to which any effects may be mitigated, such as soundproofing and landscaping. e) any geographic features or climatic conditions which may mitigate any effects. 	<p>RUr.22.5</p> <p>The rule provides for each case to be considered on its merits, providing a minimum separation distance is available.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.23 Closing times - services to the public	RUr.23.1 a) Any activity located within 50m of a Residential Zone Boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am - 11pm Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and b) Any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption of on the premises, may be open for the sale of liquor only during the following hours: Daily: 7am - 3am the following day, and c) Any activity located anywhere in the zone, which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily: 7am - 11pm.	RUr.23.2 not applicable	RUr.23.3 Activities that contravene a permitted condition are discretionary.
RUr.24 Clearance of indigenous forest (not covered in the Conservation Overlay)	RUr.24.1 Except for areas within the Riparian Overlay (refer to Table 2 of Appendix 6.2 and Rule RUr.58) clearance of indigenous forest is a permitted activity if: a) the total cleared on any one certificate of title in any three year period does not exceed 0.2ha, or b) it is in accordance with a sustainable management plan or permit approved under Part IIIA of the 1993 amendment to the Forests Act 1949. c) it complies with all other rules in this Plan, including the Appendices.	RUr.24.2 Except for areas within the Riparian Overlay (refer to Table 2 of Appendix 6.2 and Rule RUr.58) the clearance of indigenous forest is controlled, if: a) the total area cleared on any one certificate of title does not exceed 1ha., and b) it complies with all other rules in this Plan, including the appendices. Control reserved over: i) the specific area and species to be cleared.	RUr.24.3 Activities that contravene a controlled standard are discretionary.

Assessment Criteria	Explanation
<p>RUr.23.4</p> <ul style="list-style-type: none"> a) the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites. b) the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation. c) the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures. d) the topography of the site and the neighbouring areas. e) the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities. f) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity. g) whether the activity is temporary, and the frequency of such events (where applicable). 	<p>RUr.23.5</p> <p>Activities which are close to residential areas and which are open to the public late at night, have the potential to create adverse effects which conflict with the residential nature of the neighbouring areas. Particular problems are traffic arriving and leaving the premises, noise from patrons, and sometimes music. Therefore restrictions have been placed on the hours of opening of such activities.</p> <p>Away from the boundary with residentially-zoned land, there are no restrictions on hours of opening, except for activities which involve the sale of alcohol. This recognises the adverse environmental effects which often accompany licensed premises and the patrons using them. There are set hours for off-licence premises throughout the Zone. The hours for licensed premises were developed after extensive public consultation under the Sale of Liquor Act and only apply to the sale of liquor aspects of activities.</p>
<p>RUr.24.4</p> <ul style="list-style-type: none"> a) the landscape and scenic value of the area to be cleared. b) the values of the area in accordance with the criteria set out in Policy DO5.1.1 (areas with high natural values). c) the proposed future use of the land, or likely future uses of the land. d) The species involved, the sustainability of harvest given the age of the dominant vegetation, the size of the resource, the scarcity of the resource, and the likely rate of revegetation e) any other cultural values associated with the land. 	<p>RUr.24.5</p> <p>Provides a second tier level of protection to lower value remnant and regenerating forest not protected by the provisions of the Conservation Overlay. These areas still, however, contribute significantly to the landscape, character and biological diversity of an area.</p> <p>Indigenous vegetation is defined in Chapter 2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.25</p> <p>Vegetation clearance (other than indigenous forest)</p> <p>[note that this rule is a regional and a district rule]</p>	<p>RUr.25.1</p> <p>Vegetation clearance is a permitted activity if:</p> <p>a) it does not take place within 5m of the banks of any river identified in Appendix 6 (riparian and coastal margin overlays), except for the purpose of forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, or for maintenance of a State Highway, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the clearance is no more than is required to permit the activity, and</p> <p>b) it does not take place within 20m of the Coastal Marine Area, except for maintenance of a State Highway, or the installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the clearance is no more than is required to permit the activity, and</p> <p>c) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over, and</p> <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) there is no clearance of indigenous forest, and</p> <p>g) there is no clearance of vegetation within a Biodiversity Corridor unless it is an exotic species, or a species with a pest designation in the current Tasman-Nelson Regional Pest Management Strategy, or is vegetation clearance required for:</p> <p>i) the maintenance of State Highways, or</p> <p>ii) the installation and maintenance of utility service lines which cross (more or less at right angles) a Biodiversity Corridor including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, provided the clearance is no more than required to permit the activity and vegetation is reinstated after the activity has been completed, or</p> <p>iii) the formation or maintenance of roads and private vehicle access ways which cross (more or less at right angles) a Biodiversity Corridor to land where there is no viable alternative access route available and provided the clearance is no more than required to permit the activity, or</p> <p>iv) the formation or maintenance of walkways or cycleways adjacent to, running along (subject to provisions of I.2 c and W.2 c), or crossing (more or less at right angles) a Biodiversity Corridor and provided the clearance is no more than required to permit the activity.</p>	<p>RUr.25.2</p> <p>Vegetation clearance within 5m of the banks of any river identified in Appendix 6, or within 20m of the Coastal Marine Area, is controlled if:</p> <p>a) the vegetation to be cleared is not indigenous forest or is plantation forest planted before 25 October 1996, (the date of notification of this Plan), and</p> <p>b) no vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>c) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site:</p> <p>i) stabilised so that no earth moves off-site or presents a danger to life or property; and</p> <p>ii) vegetated, paved, metalled or built over.</p> <p>Control reserved over:</p> <p>i) loss of topsoil, or movement of soil down slope, and</p> <p>ii) damage to structures or adjoining properties, and</p> <p>iii) soil and vegetation entering rivers, and</p> <p>iv) damage to instream habitats, and</p> <p>v) adverse effects on catchment stream flow, including stormwater, and</p> <p>vi) river bank erosion, and</p> <p>vii) duration of exposure of bare soil to wind and rainfall, and</p> <p>viii) catchment water quality, including suspended sediment load and increased stream bed load, and</p> <p>ix) the method and timing of the activity, and</p> <p>x) the area to be cleared at any one time, and</p> <p>xi) the provision of structures to control soil erosion or sedimentation, and</p> <p>xii) the timing and techniques used for revegetation.</p>	<p>RUr.25.3</p> <p>Vegetation clearance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <p>i) loss of topsoil or movement of soil down slope, and</p> <p>ii) the potential for slope failure, and</p> <p>iii) damage to structures or adjoining properties, and</p> <p>iv) soil and vegetation entering rivers and coastal water, and</p> <p>v) damage to instream and coastal habitats, and</p> <p>vi) adverse effects on catchment stream flow, and</p> <p>vii) stream bank and coastal erosion, and</p> <p>viii) duration of bare soil to wind and rainfall, and</p> <p>ix) water quality, including suspended sediment load and increased stream bed load, and</p> <p>x) the method and timing of the activity, and</p> <p>xi) the area to be cleared at any one time, and</p> <p>xii) the provision of structures to control soil erosion or sedimentation, and</p> <p>xiii) the timing and techniques used for revegetation, and</p> <p>xiv) the long term management of the land cleared, and</p> <p>xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and</p> <p>xvi) the values set out in Appendix 6, Table 6.1 (riparian and coastal margin overlays), for any river, and</p> <p>xvii) the matters in Appendix 9 (landscape components and views), and</p> <p>xviii) the matters in Appendix 4 (marine ASCV overlay), and</p> <p>xix) effects on the values and function of any Biodiversity Corridor.</p>

Assessment Criteria	Explanation
<p>RUr.25.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in RUr.25.2; and restrict its discretion to the matters listed in RUr.25.3.</p>	<p>RUr.25.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Vegetation clearance adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank or coastal erosion), or sedimentation effects and are therefore controlled.</p> <p>Plantation Forest clearance near rivers and the coast is more tightly regulated after the date of notification of this Plan because it will have been planted in the knowledge that clearance near rivers would be regulated. Clearance of forest planted before that date, are given controlled status to accommodate the expectations of owners at the time. Most rivers are included in Appendix 6 and the Riparian Overlay shown on the Planning Maps.</p> <p>Indigenous forest clearance is regulated under the preceding rule.</p> <p>Vegetation clearance in the Conservation Overlay is regulated by a separate rule.</p> <p>Native vegetation is specifically protected in Biodiversity Corridors to ensure their function as an ecosystem and a corridor is not compromised through clearance.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.26</p> <p>Soil disturbance</p> <p>[note that this rule is a regional and a district rule]</p>	<p>RUr.26.1</p> <p>Soil disturbance is a permitted activity if:</p> <p>a) either - the predominant slope does not exceed 25° from horizontal; or the predominant slope exceeds 25° and the activity is one of the following:</p> <ul style="list-style-type: none"> i) forming or maintaining a firebreak or the fairway beneath power transmission lines, or ii) maintaining a state highway, road, track or landing, or iii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity <p>b) Soil disturbance does not take place within 5m of the banks of any river included in Appendix 6 (riparian and coastal margin overlays), or within 20m of the Coastal Marine Area, except for:</p> <ul style="list-style-type: none"> i) the purpose of maintaining State Highways, or ii) is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity iii) cultivation of land with a predominant slope not exceeding 6° from horizontal, provided cultivation is at least 2m from the banks of the river, and <p>c) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and</p> <p>d) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:</p> <ul style="list-style-type: none"> i) stabilised so that no earth moves off-site or presents a danger to life or property; and ii) vegetated, paved, metalled or built over, and <p>e) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and</p> <p>f) all formation surfaces with an inward cross fall are drained by a water table and cut offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and</p> <p>g) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and</p> <p>h) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies.</p>	<p>RUr.26.2</p> <p>Soil disturbance that contravenes a condition for permitted activities is controlled if:</p> <ul style="list-style-type: none"> a) the predominant slope does not exceed 35° from horizontal, and b) no soil or vegetative debris is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and c) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: <ul style="list-style-type: none"> i) stabilised so that no earth moves off-site or presents a danger to life or property; and ii) vegetated, paved, metalled or built over, and d) all formation surfaces with an inward cross fall shall be drained by a water table, and cut-offs or culverts shall be formed or installed so as to prevent erosion of the formed surfaces. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) loss of topsoil or movement of soil down slope, and ii) damage to structures or adjoining properties, and iii) soil and vegetation entering rivers or coastal water, and iv) damage to instream and coastal habitats. v) adverse effects on catchment stream flow, including stormwater, and vi) river bank and coastal erosion, and vii) duration of exposure of bare soil to wind and rainfall, and viii) water quality, including suspended sediment load and increased stream bed load, and ix) the method and timing of the activity, and x) the area to be disturbed at any one time, and xi) the provision of structures to control soil erosion or sedimentation, and xii) the timing and techniques used for revegetation. 	<p>RUr.26.3</p> <p>Soil disturbance that contravenes a controlled standard is a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) loss of topsoil or movement of soil down slope, and ii) the potential for slope failure, and iii) damage to structures or adjoining properties, and iv) soil and vegetation entering rivers and coastal water, and v) damage to instream and coastal habitats, and vi) adverse effects on catchment stream flow, and vii) bank and coastal erosion, and viii) duration of bare soil exposure to wind and rainfall, and ix) water quality, including suspended sediment load and increased stream bed load, and x) the method and timing of the activity, and xi) the area to be cleared at any one time, and xii) the provision of structures to control soil erosion or sedimentation, and xiii) the timing and techniques used for revegetation, and xiv) the long term management of the land cleared, and xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and xvi) the values set out in Appendix 6 Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and xvii) the matters in Appendix 9 (landscape components and views), and xviii) the matters in Appendix 4 (marine ASCV overlay).

Assessment Criteria	Explanation
<p>RUr.26.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in RUr.26.2 and restrict its discretion to the matters listed in RUr.26.3</p>	<p>RUr.26.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative.</p> <p>Soil disturbance activities on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. Land with a predominant slope not exceeding 6° represents the land in Land Management Zone A in the Regional Plan.</p> <p>On steeper land, minor activities such as maintenance of roads and establishment of utilities are permitted, but other activities are more closely regulated to ensure adverse soil erosion and sedimentation effects are avoided or minimised. Steeper land was mapped as Land Management Zones B and C in the Regional Plan, but, are referred to by reference to degrees of slope in this Rule.</p> <p>Soil disturbance adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects, and to adversely affect the values of marine aquatic habitats described in Appendix 4 (marine ASCV overlay). Most rivers are included in Appendix 6 (riparian and coastal margin overlays) and the Riparian Overlay shown on the Planning Maps.</p> <p>Soil Disturbance is regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.27 Earthworks [note that this rule is a regional and a district rule]	RUr.27.1 Earthworks are a permitted activity if: a) the maximum height or depth of excavation or filling does not exceed 1.2m, or b) the earthworks are for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, or c) the excavation or fill: i) is retained immediately by a structure authorised by a building consent, and ii) the maximum height or depth of the fill or excavation does not exceed 3m, and iii) the depth of any excavation adjacent to a property boundary does not exceed the distance from that boundary measured on a horizontal plane; and d) the earthworks do not take place within 10m of the banks of any river included in Appendix 6, or within 20m of the Coastal Marine Area, except for the purpose of maintaining a State Highway and other roads, forming or constructing a fire break, fence line, survey line or installing a utility service line across a river, is for the purpose of installation and maintenance of utility service lines including the excavation of holes for supporting structures, back-filled trenches, mole ploughing or thrusting, providing the disturbance is no more than required to permit the activity, and e) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and f) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance: i) stabilised so that no earth moves off-site or presents a danger to life or property; and ii) vegetated, paved, metalled or built over, and g) after reasonable mixing there is no conspicuous change in the colour or visual clarity in any water body or coastal water as a result of undertaking the activity, and h) all formation surfaces with an inward cross fall are drained by a water table and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and i) trenches formed for utility service lines are back filled, compacted and revegetated as soon as practicable, and j) material used for fill is cleanfill material, and k) the earthworks are not located within the Flood Overlay except for the purpose of maintaining a State Highway, other roads or network utility lines or structures. l) soil is managed on the site during the construction period and after, such that there are no adverse effects on adjoining properties or any waterbodies. m) the earthworks do not compromise the achievement of an indicative road or walkway/cycleway shown on a Structure Plan.	RUr.27.2 Earthworks that contravene a permitted condition are controlled if: a) the maximum height or depth of filling or excavation does not exceed 4m, and b) the site is not in the Land Management or Flood Overlays, and c) earthworks do not take place within 10m of the banks of any river and contained within Appendix 6 or within 20m of the Coastal Marine Area, and d) no soil is positioned where it may dam or divert any river or stream or adversely affect instream habitats, and e) all bare soil areas are, as soon as practicable but no later than six months from the date of disturbance, or the time specified in the sedimentation and erosion control plan for the site: i) stabilised so that no earth moves off-site or presents a danger to life or property; and ii) vegetated, paved, metalled or built over, and f) all formation surfaces with an inward cross fall are drained by a water table, and cut-offs or culverts are formed or installed so as to prevent erosion of the formed surfaces, and g) material used for fill is cleanfill material. Control reserved over: i) loss of topsoil or movement of soil down slope, and ii) damage to structures or adjoining properties, and iii) soil and vegetation entering rivers or coastal water, and iv) damage to instream and coastal habitats, and v) adverse effects on catchment stream flow, including stormwater, and vi) river bank and coastal erosion, and vii) duration of exposure of bare soil to wind and rainfall, and viii) water quality, including suspended sediment load and increased stream bed load, and ix) the method and timing of the activity, and x) the area to be disturbed at any one time, and xi) the provision of structures to control soil erosion or sedimentation, and xii) the timing and techniques used for revegetation, and xiii) the depth, height and volume of cut and fill and the finished ground level, and xiv) the quality of fill material and compaction methods, and xv) visual effects, and xvi) control of noise, and xvii) control of dust, and xviii) traffic and access issues including future connectivity associated with an indicative road or walkway/cycleway shown on a Structure Plan.	RUr.27.3 Earthworks that contravene a controlled standard other than g) are restricted discretionary activities. Where g) is contravened the activity is a discretionary activity. Discretion restricted to: i) loss of topsoil or movement of soil down slope, and ii) the potential for slope failure, and iii) damage to structures or adjoining properties, and iv) soil and vegetation entering rivers and coastal water, and v) damage to instream and coastal habitats, and vi) adverse effects on catchment stream flow, and vii) bank and coastal erosion, and viii) duration of bare soil exposure to wind and rainfall, and ix) water quality, including suspended sediment load and increased stream bed load, and x) the method and timing of the activity, and xi) the area to be cleared at any one time, and xii) the provision of structures to control soil erosion or sedimentation, and xiii) the timing and techniques used for revegetation, and xiv) the long term management of the land cleared, and xv) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated, and xvi) visual effects, and xvii) the impacts on privacy and on the admission of daylight and sunlight to neighbouring sites, and xviii) the values set out in Appendix 6 Table 6.1 (riparian and coastal margins with identified riparian values) for any river, and xix) the matters in Appendix 9 (landscape components and views), and xx) the matters in Appendix 4 (marine ASCV overlay), and xxi) the effects of the earthworks in relation to primary and secondary flood flows, and xxii) control of noise, and xxiii) control of dust, and xxiv) traffic and access issues including future connectivity associated with an indicative road or walkway/cycleway shown on a Structure Plan.

Assessment Criteria	Explanation
<p>RUr.27.4</p> <p>In considering applications for controlled and discretionary activities, Council will exercise control over the matters listed in RUr.27.2, and restrict its discretion to the matters listed in RUr.27.3.</p>	<p>RUr.27.5</p> <p>This rule generally follows the pattern of the NCC Land Disturbance Regional Plan notified in 1993. That Plan will cease to have effect when this Plan becomes operative. The Land Management Overlay covers the land in Land Management Zone C in the Regional Plan, that is, land that has higher risks of erosion and sedimentation.</p> <p>Earthworks on flatter land are less likely to cause adverse soil erosion and sedimentation effects, except where the activity is close to a water body, and are therefore generally permitted. On steeper land, minor activities such as roads and utilities are permitted, but other activities are more closely regulated.</p> <p>Earthworks in the Land Management Overlay, apart from the minor work mentioned, may have more serious effects, and require assessment to ensure adverse soil erosion and sedimentation effects are avoided or minimised.</p> <p>Earthworks adjacent to rivers and the Coastal Marine Area have, because of their location, a high potential to cause soil erosion (river bank and coastal erosion), or sedimentation effects. Most rivers are included in Appendix 6 (riparian and coastal margin overlays) and the Riparian Overlay shown on the Planning Maps.</p> <p>Fill can be used to improve sites for use and in particular to mitigate effects of natural hazards and servicing constraints.</p> <p>Clean fill is required because fill that contains contaminants can have adverse effects on the environment, while excessive amounts of vegetation can cause settling when it decomposes. Fill height and quality are controlled to ensure sufficient information to determine ground height in any particular area is available and considered on a case by case basis. However, where the height of the cut or fill exceeds 4m a discretionary activity resource consent is required. This is because such earthworks can have significant visual impacts. Also, in urban areas, significant filling of a site, relative to a neighbour, can affect privacy and access to daylight and sunlight.</p> <p>Some confusion may arise as to whether an activity constitutes earthworks, landfill or a combination of the two. The essential distinction is that while earthworks may involve some degree of landfill, it is not the primary purpose of the activity, whereas with landfill activities the primary purpose is the disposal of solid waste.</p> <p>Note: Section 14 of the Resource Management Act prohibits any activity that dams or diverts water, unless a resource consent is granted. This applies to earthworks that might dam or divert water (eg a spring), even if they are permitted or controlled activities under this rule.</p> <p>Earthworks have the potential to dam or divert flood flows or to result in ponding of floodwater. This rule makes earthworks a restricted discretionary activity within the Flood Overlay so that the effect on a flood hazard can be taken into account when considering an earthworks consent.</p> <p>Note that Earthworks are regulated in other rules, particularly in Overlays, which may impose additional regulation on particular activities.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.27A Landfill [Note: this rule is a regional and a district rule]</p>	<p>RUr.27A.1 Landfills are not a permitted activity</p>	<p>RUr.27A.2 Not applicable</p>	<p>RUr.27A.3 Landfill activities are restricted discretionary activities if:</p> <ul style="list-style-type: none"> a) the maximum height of the landfill does not exceed 2m, and its total volume is less than 2,000m³, and b) the landfill accepts only cleanfill material. <p>Discretion is restricted to those matters listed in RUr.27.3 plus:</p> <ul style="list-style-type: none"> i)visual and landscaping effects, and ii)leachate and runoff, and iii)fill brought on site, and iv)depth, height, volume of fill and finished ground level, and v)fill quality/compaction methods, and vi)effect on soil fertility/versatility, and vii)consequential stormwater characteristics such as ponding, and viii)cumulative effects of landfill activities. <p>Activities that contravene a restricted discretionary condition are discretionary activities.</p>

Assessment Criteria	Explanation
<p>RUr.27A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in RUr.27A.3 provided that the application does not contravene a restricted discretionary condition.</p>	<p>RUr.27A.5</p> <p>Landfill development and operation are restricted discretionary activities. While landfills generally involve earthworks and modify the shape of the land, their primary purpose is the disposal of solid waste. The concentration of solid waste, often containing contaminants, within landfill sites, increases the potential for adverse effects on the environment beyond that associated with normal earthworks. Additional adverse effects may include generation of leachate, discharge of gas, geotechnical issues such as poor bearing strength and settlement, and contamination of the land itself making it unsuitable for other uses.</p> <p>Some landfills operate as cleanfill sites, accepting only material that does not undergo any physical, chemical, or biological transformations likely to cause adverse environmental effects, or health effects, once it is placed in the ground. Cleanfill operations are clearly preferable to activities accepting hazardous or potentially hazardous materials, and are more likely to be granted resource consent.</p> <p>Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>

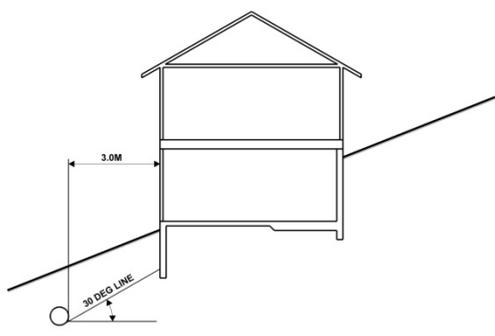
Item	Permitted	Controlled	Discretionary/Non-complying
RUr.28 Buildings (all)	<p>RUr.28.1</p> <p>Permitted if:</p> <ul style="list-style-type: none"> a) they are ancillary to a permitted activity, and b) maximum of 1 residential unit per site, and c) all buildings greater than 40m² in area or used for residential purposes are set back a minimum of 10m from boundaries, and d) all other rules related to the size and location of buildings and services can be satisfied within the site, and e) the defensible space for fire protection purposes around a residential unit is provided at the time of construction (see Meanings of Words Chapter 2) and is maintained thereafter, and f) a residential unit, (unless it is connected to a community supply with its own firefighting water storage, or a water source capable of delivering a minimum of 25 litres per second for a minimum of 30 minutes is available within 90m of the building and is accessible by a portable pump) has either: <ul style="list-style-type: none"> i) a sprinkler system installed (to an approved standard in accordance with SNZ PAS 4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire, or ii) water tanks with a storage capacity of at least 45,000 litres available to the site for firefighting purposes. Tanks must be fitted with a 100mm female Screw Thread controlled by a valve. Tanks shall be located more than 6m and less than 90m from the building, and g) a new residential unit, short term living accommodation unit or papakainga has 15,000 litres of water storage available to the site for use as a domestic water supply during periods of minimum flow (unless the unit is connected to a community supply with its own storage for periods of minimum flow). Where a house has 45,000 litres of water storage for firefighting purposes, this domestic water storage capacity can be a proportion of that total, but at least 23,000 litres needs to be stored permanently for firefighting purposes only, and h) in the High Density Small Holdings area at Ngawhatu shown on the Planning Maps, there is a minimum 20m building setback along the south-western boundary to the adjoining Rural zone (generally contained in Lot DP 19202). i) the building does not compromise the achievement of an indicative road or walkway/cycleway shown, or described on a Structure Plan 	<p>RUr.28.2</p> <p>not applicable</p>	<p>RUr.28.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.28.4</p> <ul style="list-style-type: none"> a) any proposed activity to which any additional residential units are related. b) the matters in the NCC Land Development Manual 2010. c) the extent to which the land is subject to natural hazards, including inundation, floodpaths, fault areas and slope risk areas, and whether any risks can be remedied or mitigated. d) the pattern of subdivision and how it relates to the desired environmental outcomes and amenity values for the locality. e) the extent that provision is made for the actual and legal protection of significant natural features or heritage items, and avoids or mitigates any significant changes to the landscape or amenity values of the area. f) the extent to which any other adverse effects of the proposed development are avoided, remedied or mitigated, including temporary effects associated with construction. g) any actual or potential effects including cumulative effects on the character of the area. h) the significance of any building used for an activity not permitted as of right and whether it will lead to intensification of the activity. i) the scale of the structure and activity associated with it. j) the protection of areas of significant conservation value shown in the areas of significant conservation value overlay or identified in accordance with the criteria contained in section Policy DO5.1.1. k) the likelihood of an activity being established adjacent to the property which may impact on the amenity of any dwelling. l) the likelihood of any dwelling being erected on an adjacent property which may be affected by the non-compliance including matters such as daylight admission, noise, disturbance and smell. m) the potential for spread of fire from or to adjacent properties given present and potential activities which may be carried out in the area. n) the extent to which any building erected close to a road is likely to affect traffic visibility and rural character. o) any other fire mitigation measures proposed other than provision of defensible space. p) in buildings without sprinkler systems, whether a lesser amount of water storage than 45,000 litres, or no storage is required, for rural fire fighting purposes for a particular building, due to proximity to a water source, as assessed by a New Zealand Fire Service Fire Risk Management Officer. Confirmation should be provided in writing. q) the extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008). r) the effects on road and walkway/cycleway connectivity where the building is sited on, or close, to an indicative road, or walkway/cycleway shown, or described on a Structure Plan. 	<p>RUr.28.5</p> <p>Provides for one residential unit as of right on any one site, and other buildings as appropriate and any further residential units proposed to be considered on their merits.</p> <p>All buildings have to provide a minimum buffer which, when coupled with the buffer area required on adjacent properties provides for adequate protection against amenity and hazard effects.</p> <p>Provision is made for detached non habitable buildings such as garages, sheds, barns, utility buildings, and storerooms to be located within 10m of a boundary provided they are less than 40m² in area.</p> <p>Buildings and any further residential units have to fit all the criteria as if it were a subdivided site. This avoids people taking a backdoor route to further subdivision once a second residential unit is established, arguing that subdivision has no physical effects on the environment or the infrastructure.</p> <p>Water storage is required with all new buildings in the Small Holdings and Rural Zones in recognition of the increasing demands that new developments will make on rural waterways.</p> <p>During periods where minimum flow is reached all abstractions will be required to cease. Use of stored water will be necessary during these times. Individual households are responsible for ensuring that their stored drinking water is potable.</p> <p>The following district wide policies are relevant to this rule: DO18.2.2 (water storage) DO18.4.10 (permitted abstractions)</p> <p>It is expected that where a building is to be located on, or close to, an indicative road or walkway/cycleway, the developer will provide sufficient assurance that the building will not compromise the achievement of future connectivity generally in the alignment.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.29 Building on low lying sites	RUr.29.1 Building is permitted if: a) the ground level (excluding waterbodies) is 15.35m NCC Datum or above, or ground level is raised and compacted to at least those levels; and i) in accordance with NZS4431:1989 (Code of Practice For Earthfill and Residential Development), and ii) such that stormwater runoff from the site is not directed onto other sites, and that natural water flows from other sites are not obstructed, and iii) the finished ground level is not less than 400mm above the design hydraulic grade level of the storm water system serving the site, and b) the minimum finished floor level of the building is: i) concrete floor: 15.50m ii) timber floor: 15.65m	RUr.29.2 not applicable	RUr.29.3 Buildings that contravene a permitted condition are restricted discretionary activities. Discretion is restricted to measures required for the avoidance or mitigation of inundation hazards on the subject and surrounding properties.

Assessment Criteria	Explanation
<p>RUr.29.4</p> <ul style="list-style-type: none"> a) the ground level required to avoid the effects of anticipated flooding. b) the type of inundation likely to be experienced, whether it be stormwater, ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. c) the effects on neighbouring properties, especially with respect to stormwater runoff. d) section 5.6.5b) and Table 5-6 and 5-7 in section 5 of the NCC Land Development Manual 2010. 	<p>RUr.29.5</p> <p>The minimum ground levels set are based on the best estimates from the Ministry for the Environment for likely sea level rise caused by global climate change. This takes account of predicted spring tides and expected tidal surges, and their consequent effects on stormwater ponding.</p> <p>Sites below the minimum levels stated for permitted activities will be assessed individually to ensure that ground or floor heights are sufficient to protect the building from inundation.</p> <p>See Rule RUr.27 (earthworks) where a site is to be filled.</p> <p>This Rule relates to minimum ground and floor levels for hazard mitigation purposes. It does not relate to minimum floor levels arising from the requirements of the Building Act. The Building Act may require height additional to that specified in this rule (to achieve clearance to ground, crawl space and other requirements).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.31A Building over or alongside drains and water mains	<p>RUr.31A.1</p> <p>a) Structures:</p> <ul style="list-style-type: none"> i) must be located no closer than one metre measured horizontally from the near side of any public water main or common private or public sewer or stormwater drain, where the required pipe or drain is less than or equal to 300mm in diameter or width, and ii) must be located no closer than 1.5m measured horizontally from the near side of any public water main, or common private or public sewer or stormwater drain, where the required pipe or drain is greater than 300mm in diameter or width, and iii) may overhang the line of the pipe or drain, provided the structure is cantilevered or is an eave and the height to the underside of the structure above ground level is not less than 1.8m, and iv) which are located within 3m, measured horizontally, from the near side of the pipe or drain must have the base of the foundations deeper than a line drawn at 30° from the horizontal from the invert (bottom) of the pipe or drain (or between 30° and 45° if the design has been certified by a suitably qualified engineer)(see diagram). <p>b) Carports may be constructed over pipes or drains (but not water mains or other pressurised pipelines) provided that:</p> <ul style="list-style-type: none"> i) The foundations are located in accordance with a) iv) above; and ii) The fixture to the ground/floor is a bolt-down type design which permits quick and easy removal of the structure; and iii) The carport is not closed in; and iv) The floor is not concrete to a depth greater than 150mm; and v) An encumbrance is registered on the certificate of title for the property acknowledging the location of the pipe or drain under the structure and reminding future owners that rules ii) iii) and iv) (above) apply and that access to the pipe or drain for maintenance and repair (and re-instatement afterwards) must be made available at the structure owner's cost). <p>c) As an alternative to (a) and (b), structures may be located over common private or public wastewater or stormwater drains or pipes (but not pressurised pipes), if they comply with "Acceptable Techniques for Building over Drains or Pipelines". Table 3-4 in section 3 of the NCC Land Development Manual.</p>	<p>RUr.31A.2</p> <p>Not applicable</p>	<p>RUr.31A.3</p> <p>Restricted Discretionary Activity</p> <p>Activities that contravene a permitted standard are a restricted discretionary activity.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) The design and location of the structure, and ii) Access to pipework or drain for maintenance, and iii) The nature and location of the pipework or drain. <p>Resource consent applications for restricted discretionary activities will be considered without notification or service of notice, provided it can be shown that the building can be located in such a way as to ensure that access to the drain or pipe for maintenance or replacement purposes, can be achieved without causing adverse financial or physical effect on neighbouring properties or persons who are served by the same pipe or drain.</p>
RUr.32 Buildings - height	<p>RUr.32.1</p> <p>Maximum height -12m. (see Chapter 2 Meanings of Words for definition of 'Height' [including chimneys] and 'Height measurement').</p>	<p>RUr.32.2</p> <p>not applicable</p>	<p>RUr.32.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
RUr.33 Site coverage for structures, storage, and utility yard areas	<p>RUr.33.1</p> <p>Construction or alteration of structures and paving of land with impervious surfacing (including driveways, paths and yards) is permitted if no more than 2500m² of any site is covered by structures or impervious surfaces (other than structures used for handling animals or plants).</p>	<p>RUr.33.2</p> <p>not applicable</p>	<p>RUr.33.3</p> <p>Activities that contravene the conditions for permitted activities are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.31A.4</p> <p>a) the nature of the structure and whether access to the pipe or drain can be maintained</p> <p>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</p> <p>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</p> <p>The accessibility of the pipework or drain and the ease by which it could be extracted.</p>	<p>RUr.31A.5</p> <p>Limiting access to pipes and drains means that repair and maintenance may be very costly and may even result in pipes or drains having to be relocated. This rule seeks to preserve access to all pipes or drains where off-site facilities are likely to be affected.</p> <p>In response to frequent requests for carports to be built over pipes, this has been made a permitted activity provided the carport does not become enclosed and the depth of any concrete floor does not exceed 150mm.</p> <p>However, a common problem arises when the carport is later closed in without Council's knowledge. An encumbrance on the title will alert landowners to the location of the pipe or drain and remind them that access to the pipe or drain is to remain unimpeded and all costs associated with obtaining access, (including the removal and reinstatement of floors or walls) are the responsibility of the landowner.</p> <p>Provided the encumbrance is registered on the title, carports built over drains or pipes, do not require a resource consent.</p> <p>Alternative techniques for ensuring access for maintenance and repair purposes may be considered on a case by case basis through the resource consent process.</p> <p>Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some other limited circumstances.</p> <p>At the time that application is made for building consent, a request shall be made in writing to waive the rule relating to "Building over or alongside drains, pipes and water mains" where one of these Techniques is proposed to apply.</p> <p>Diagram referred to in RUr.31A.1a:</p> 
<p>RUr.32.4</p> <p>a) the extent to which taller buildings will impact on the rural character of the area.</p> <p>b) the impact on amenities of adjacent properties.</p>	<p>RUr.32.5</p> <p>The height represents a scale which is acceptable in human terms and within which most dwellings (including two-storey dwellings) and structures can be accommodated. Discretion is reserved to consent to higher structures when compliance is not a viable alternative and consent is consistent with the purpose of the Act. Buildings over 12m or averaging over 12m on sloping ground are discretionary.</p>
<p>RUr.33.4</p> <p>a) any actual or potential effects including cumulative effects on the long term life supporting capacity of the soil.</p> <p>b) the quality of the land and any mitigating features (such as previous contamination) which has affected the land.</p> <p>c) effects on the local amenity of the area.</p> <p>d) effects on the character of the area.</p>	<p>RUr.33.5</p> <p>This rule is primarily directed to protection of the rural amenity values and the sustainable use of rural soil. It provides adequate work space for most activities which are not related to the land, but requires that any other activity which is space demanding and not related to the land to apply for resource consent and allow each case to be considered on its merits.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.34 Forestry and shelterbelts: separation	RUr.34.1 Plantation forest or shelterbelts are permitted if they are set back at least: <ol style="list-style-type: none"> 10m from any boundary unless the written consent of the neighbour is obtained and lodged with Council, and defensible space is maintained around any existing or proposed residential unit (see defined terms chapter 2), and 50m from any Residential Zone boundary, and trees do not shade a public road between 10am and 2pm on the shortest day, and trees do not obscure visibility at intersections on public roads. In addition to the above requirements, within the Small Holdings Area and adjoining any site in the Small Holdings Area, the requirements of Appendix 16 (daylight admission – small holdings areas) shall apply.	RUr.34.2 not applicable	RUr.34.3 Activities that contravene a permitted condition are discretionary.
RUr.35 Parking and loading	RUr.35.1 a) Parking, loading, manoeuvring, queuing, and set down areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading).	RUr.35.2 Parking for Short Term Living Accommodation units (excluding any loading zones for coaches and parking for managers units) and which complies in all other respects with the relevant standards in Appendix 10, is a controlled activity if: <ol style="list-style-type: none"> a minimum of 0.8 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1.5 spaces must be provided per unit. Control is reserved over: <ol style="list-style-type: none"> number of vehicle parks, and type and size of vehicle parks, and location of vehicle parking, and manoeuvring to and from vehicle parking. 	RUr.35.3 Activities that contravene a permitted condition or controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if: <ol style="list-style-type: none"> for short term living accommodation a minimum of 0.6 spaces per unit is provided, except where the unit can accommodate more than 6 guests, in which case a minimum of 1 space must be provided per unit, or <ol style="list-style-type: none"> for other activities: <ol style="list-style-type: none"> the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and where the reduction in parking spaces exceeds 5 spaces, the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion RUr.35.4. Discretion restricted to: <ol style="list-style-type: none"> number of parking spaces (and any loading spaces) provided, and the surfacing of the area, and the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking. Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.

Assessment Criteria	Explanation
<p>RUr.34.4</p> <ul style="list-style-type: none"> a) the likelihood of any dwelling being located adjacent to the site, given the present and likely pattern of development in the area. b) any likely shading effects on adjacent property. c) the potential for spread of fire from or to adjacent properties given present and potential activities which may be carried out in the area. d) the extent to which any plantings will shade any public road e) danger to life and property as a result of falling trees. 	<p>RUr.34.5</p> <p>This rule provides that plantation forestry or shelterbelts should be kept at least 10m from a property boundary except in the Small Holdings Area. Here shelterbelts or plantation forestry located on southern boundaries, where they are most likely to shade adjoining properties, are subject to additional recession plane controls.</p> <p>While plantation forests and shelterbelts are established and important features in rural areas, when located close to boundaries they can have a significant effect on the productivity and enjoyment of adjoining properties.</p> <p>Effects on neighbouring properties can include but are not limited to a reduction in soil fertility, reduction in growth rates of adjoining pasture and crops, and shading of neighbouring houses and living areas, creating a feeling of enclosure.</p> <p>Shading effects are most likely to occur where stands of tall trees are located adjacent to the northern boundary of smaller and more intensely developed properties.</p>
<p>RUr.35.4</p> <ul style="list-style-type: none"> a) refer to Appendix 10. b) where a Travel Management Plan is required under the restricted discretionary rule it shall include the following, taking into account the reduction in parking spaces being sought: <ul style="list-style-type: none"> i) The nature and scale of the activity and associated parking demands from employees and visitors/customers; ii) Proposed means of reducing parking demands, such as; <ul style="list-style-type: none"> • Managing the number of motor vehicle trips to and from the activity by encouraging higher vehicle occupancies • Sharing parking spaces between complementary uses and spreading peak loads • Encouraging more use of public transport, walking and cycling iii) Proposed means of monitoring outcomes. 	<p>RUr.35.5</p> <p>Refer to Appendix 10.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.36 Access	RUr.36.1 Vehicle access must be provided and maintained for each site in accordance with the standards set out in Appendix 11 and sections 4.3.7d)1) to 7), 4.3.7e) to i), 4.3.7d), 4.3.8.2a) to c), 4.3.8.5a), 4.3.12.7a) to c), 4.3.15d), 4.3.15.1a) to f), 4.3.15.2b) to d), 4.3.15.3b) to c), 4.3.15.3a) and Tables 4-6, 4-7, and 4-164 and Figures 4-M, 4-N, 4-O and 4-P of the NCC Land Development Manual 2010. In the Rural Zone, excluding all 'Small Holdings Areas', where the only means of providing access to network utility sites is via helicopter, then it is not a requirement to provide and maintain vehicle access. Where such helicopter access is the only means of providing access then the use of the site for landing or taking off of helicopters is a permitted activity.	RUr.36.2 not applicable	RUr.36.3 Activities that contravene a permitted condition are discretionary.
RUr.37 Access on State Highways	RUr.37.1 Any new vehicle access not directly onto a State Highway is a permitted activity in this zone if it complies with RUr.36.1.	RUr.37.2 not applicable	RUr.37.3 Any new activity or change of use which uses an existing access directly on to a State Highway is discretionary.
RUr.38 Signs	RUr.38.1 Signs are permitted if they are designed and constructed in accordance with the specifications in Appendix 20 (signs and outdoor advertising).	RUr.38.2 See Appendix 20.	RUr.38.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
RUr.36.4 Refer to Appendix 11.	RUr.36.5 Refer to Appendix 11.
RUr.37.4 a) the type, style and intensity of the activity including the likely numbers of additional vehicle movements created, proposed hours of operation. b) any measures taken to minimise any potential effects on the safety and efficiency of the State Highway. c) the speed restrictions in the vicinity and visibility from the point of access. d) the level of compliance with access standards. e) the location and adequacy of parking areas proposed to cope with potential visitors. f) the location of the activity in relation to the State Highway (activities and parking areas away from the road tends to discourage roadside parking). g) signage proposed.	RUr.37.5 Requires assessment of activities with direct access to State Highways to enable each to be considered on its merits. While present uses of a property may not create any hazard (particularly such as rural use) the creation of a new enterprise such as recreational use may well place pressure on inadequate access points not designed for the purpose. Activities which may create such hazards include golf courses, clubs, and rural retail sites.
RUr.38.4 See Appendix 20.	RUr.38.5 See Appendix 20.

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.39 Aerials	RUr.39.1 Aerials and other similar communication devices are permitted if: a) aerials do not exceed 25m in height, and b) dish antennas do not exceed 5m in diameter, provided that the top of any dish antenna greater than 1 m in diameter does not exceed 12m in height, and c) there is no strobe or flashing lights associated with any of these utilities visible from a public place.	RUr.39.2 not applicable	RUr.39.3 Restricted Discretionary Activity Activities that contravene a permitted condition are a restricted discretionary activity if the activity is being carried out by a network utility operator. Discretion restricted to: i) visual effects (including cumulative effects); and ii) practical alternatives, and iii) design and appearance of the structure (including its height and bulk) and method of mounting, and iv) siting of the structure, and v) landscaping or other treatment. Discretionary Activity Activities that contravene a permitted condition and are not a restricted discretionary activity are discretionary.
RUr.40 Radioactive material	RUr.40.1 Permitted, if: a) used for clocks, watches, and other instruments containing luminous material, smoke detectors, and ionisation and electron capture detectors for use in gas chromatography.	RUr.40.2 not applicable	RUr.40.3 Activities that contravene a permitted condition are discretionary if: a) materials emit less than 1 terabecquerel of radioactivity. The use or storage of material in excess of 1000 terabecquerels of radioactivity is a prohibited activity .

Assessment Criteria	Explanation
<p>RUr.39.4</p> <ul style="list-style-type: none"> a) the visual effects on the character and amenity of the locality and the landscape. b) any mitigation measures proposed such as location, screening, painting of dishes. c) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1 (areas with high natural values). 	<p>RUr.39.5</p> <p>Where they are of a size or construction out of character with the rural environment aerials can detract from landscape and visual amenity.</p> <p>The restriction on the height of dish antennas is imposed to require resource consents for such antennas when they are located high on masts, but accepts that these antennas are acceptable when mounted on or near the ground.</p> <p>It should be noted that where an aerial is installed within an overlay the provisions of the overlay may apply as well as this rule.</p>
<p>RUr.40.4</p> <ul style="list-style-type: none"> a) the type of radioactive source proposed and its relative activity. b) compliance with the relevant National Radiation Laboratory code of practice. c) the methods of storage and disposal proposed, particularly in relation to natural hazards which may affect the site. d) transportation routes, particularly through residential areas, and methods. 	<p>RUr.40.5</p> <p>The discretionary activity category provides for small scale facilities such as dentists and small diagnostic medical laboratories.</p> <p>The prohibited category excludes large scale facilities such as irradiation plants and nuclear power plants.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.41 Radiofrequency exposure levels	<p>RUr.41.1</p> <p>Subject to the exclusions at the end of this rule, activities which produce radiofrequency fields are permitted activities if:</p> <ul style="list-style-type: none"> i) Radiofrequency exposures measured at any point where any person may reasonably and lawfully gain access (excepting those employed or engaged on the maintenance and operation of the radio communication or telecommunication facility), do not exceed the maximum non-occupational exposure level in New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz ("the New Zealand Standard"), and ii) Prior to establishing any facility that produces radio frequency fields at any site, the Planning and Consents Division of the Council are advised of the location and nature of the proposed facility, and iii) Where radiofrequency exposure levels will exceed 25% of the maximum non-occupational exposure limit set in the New Zealand Standard, then, within three months of radio frequency emissions commencing or increasing, a report from the National Radiation Laboratory (or another appropriately qualified person/organisation) certifying compliance with the New Zealand Standard NZS 2772.1:1999 Radio Frequency Fields; Part 1 – Maximum Exposure Levels 3kHz-300GHz, based on measurements at the site in accordance with New Zealand Standard NZS 6609.2:1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300kHz to 100GHz, will be lodged with the Planning and Consents Division of the Council. <p>Exclusion</p> <p>Conditions (ii), and (iii) of this rule shall not apply to domestic transmitting equipment, including, but not limited to, cellular and cordless phones, microwave ovens, CB radios, garage door openers, security systems, licensed amateur radio installations, and radio-controlled toys.</p>	<p>RUr.41.2</p> <p>not applicable</p>	<p>RUr.41.3</p> <p>Activities that contravene permitted condition (a) (i) are non-complying.</p> <p>Activities that contravene any other permitted condition are discretionary.</p>
RUr.42 Buildings near transmission lines	<p>RUr.42.1</p> <p>Residential units, or education facilities (including any preschool or day care centre) must not be located within 20m of any existing above ground, or within 10m of any existing underground electricity transmission line with a capacity greater than or equal to 66kV.</p>	<p>RUr.42.2</p> <p>not applicable</p>	<p>RUr.42.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.41.4</p> <ul style="list-style-type: none"> a) the potential effects of any increase of radiofrequency exposures on the health of persons near the facility. b) the nature of any activities near the proposed site, having regard to their susceptibility to any exposures. c) the location of the site, and any potential for shielding from exposures. d) any cumulative effects, particularly with regard to exposure to electro magnetic radiation from existing facilities in the area. 	<p>RUr.41.5</p> <p>Certain utilities and other activities emit electromagnetic radiation. These activities are perceived to be a health concern to some people living near them.</p> <p>In developing the rules on radiofrequency exposures, Council has based its approach on that recommended in the "National Guidelines for Managing the Effects of Radiofrequency Transmitters" produced by the Ministry of Health and the Ministry for the Environment in December 2000. The key findings of the guidelines was that there are no established health effects from exposure to radiofrequency fields as long as they comply with the New Zealand Standard NZS 2772.1:1999 Radiofrequency Fields: Part 1 – Maximum Exposure Levels 3kHz-300GHz.</p> <p>The Council is to be notified of location and nature of any proposed facility. Should this predictive report anticipate and should exposure levels be greater than 25% of the New Zealand Standard level, monitoring to determine the actual exposure levels from the transmitting installation will be required.</p> <p>The rule contains an exception for domestic radiofrequency transmitting equipment. This is to ensure that these domestic transmitting devices can be used without the rules applying to their radiofrequency emissions.</p> <p>Radiofrequency emissions that exceed the exposure levels set within the New Zealand Standard are to be considered as non-complying activities.</p>
<p>RUr.42.4</p> <ul style="list-style-type: none"> a) any potential or cumulative effects on health of persons from exposure to electro-magnetic fields from existing facilities in the area. b) any effects of structures and lines including noise, visual impact and physical risk. 	<p>RUr.42.5</p> <p>A number of high voltage transmission lines traverse the Rural Zone. These locations are shown on the Planning Maps. A separation distance between lines and housing is appropriate for a range of reasons including physical aspects and possible long term health exposure risks which may affect some people living in close proximity to major lines. This rule provides an opportunity for evaluation of such effects when new housing is proposed in proximity to these lines (see also RUr.44 for new lines). All buildings, structures, plant and excavations are also required to comply with NZECP 34 2001 for Electrical Safe Distances. In some situations, depending upon the length of span and operating temperature of the line, a greater separation distance than is provided for in the rule may be necessary. Advice should be sought from the line owner.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.43 Structures on the Road Reserve	RUr.43.1 Structures on the road reserve are permitted if: a) they are part of the road infrastructure (eg. bridges, culverts, street lighting, traffic signals) or relate to the safe use of the road or walkway, or b) structures (including equipment shelters and bus shelters) do not exceed 6m ² floor area and 3.5m high.	RUr.43.2 not applicable	RUr.43.3 Activities that contravene a permitted condition are discretionary.
RUr.44 Network utilities - overhead wires	RUr.44.1 Overhead wires and associated support structures are permitted if: a) lines do not exceed 110 kV and 100MVA per circuit, and b) the lines are not supported on new or additional lattice towers, and c) any supporting poles are less than 25m in height, or d) the wires or structures are being erected as part of maintenance of the existing network utility	RUr.44.2 not applicable	RUr.44.3 Activities that contravene the conditions for permitted activities are discretionary.
RUr.45 Minor Upgrading of Electricity Transmission Lines and Support Structures	Rur.45.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity if: a) The line or support structure is existing, and b) The line has a capacity of greater than or equal to 66kV.	RUr.45.2 not applicable	RUr.45.3 Activities that contravene a permitted condition are discretionary.
RUr.46 Network utility - roads	RUr.46.1 The construction of any new road is permitted if: a) the road is not a State Highway, Arterial Road or Principal Road as defined on the Planning Maps, and b) the minimum standards (as defined in Section 1.1.1 General) in Section 4 of the NCC Land Development Manual 2010 are complied with.	RUr.46.2 not applicable	RUr.46.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
<p>RUr.43.4</p> <ul style="list-style-type: none"> a) the size and scale of the structures. b) any visual impacts, taking account of the character of the area. c) safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road. 	<p>RUr.43.5</p> <p>This rule allows for the usual basic infrastructure in the road reserve at a scale that is generally accepted by the public. This infrastructure includes street lights and other traffic equipment, as well as electricity distribution boxes and telephone booths.</p> <p>The rule is not restricted to network utility operators in order to regulate bus shelters and street vendors.</p> <p>The Council (and the NZ Transport Agency in the case of State Highways) has an additional control as the owner of the land, in respect of who goes there and under what circumstances.</p> <p>Telecommunications and electricity operators have certain rights to put works on roads (under the Telecommunications Act 1987, section 15, and Electricity Act 1992, section 24). The Council will be guided when it prescribes conditions under these Acts, by the matters contemplated in these rules.</p>
<p>RUr.44.4</p> <ul style="list-style-type: none"> a) the impact any proposed lines and support structures will have on the character of the area. b) any alternatives considered or proposed. c) the purpose of the facility and the local community it will serve. d) any mitigation measures proposed. e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1 (areas with high natural values). 	<p>RUr.44.5</p> <p>The rule provides for overhead facilities where they will not impact to a significant degree on the local character of the area.</p> <p>It should be noted that where overhead wires are installed within an overlay the provisions of the overlay may apply as well as this rule.</p> <p>Note that "Maintenance" is defined in Chapter 2 – Meaning of Words.</p>
<p>RUr.45.4</p> <ul style="list-style-type: none"> a) the impact any proposed lines and support structures will have on the character of the area. b) any alternatives considered or proposed. c) the purpose of the facility and the local community it will serve. d) any mitigation measures proposed. e) the protection of areas of significant conservation value identified in accordance with the criteria contained in DO5.1.1. 	<p>RUr.45.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is clearly set out in Chapter 2 – Meaning of Words.</p>
<p>RUr.46.4</p> <ul style="list-style-type: none"> a) the matters in section 4 of the NCC Land Development Manual 2010. b) the noise and air emissions from the road, taking account of the nature of nearby activities. c) any implications for traffic and pedestrian safety, both positive and adverse. d) any proposals to mitigate the adverse effects of the road, particularly by screening for noise and visual impacts. e) any impacts on communities eg. whether the road would divide a neighbourhood. f) any opportunities to provide views and vistas from the road. 	<p>RUr.46.5</p> <p>New roads and realignments and upgrading work on existing roads are generally dealt with by way of designations in the Plan. The designation procedure provides an opportunity for the public or affected persons to have a say on the proposals and for the environmental effects to be scrutinised. Where new roads have not been dealt with by designation, this rule provides the opportunity for public input via the resource consent process if the road is to be a major traffic carrier, or the usual design standards are not being followed.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.47 Noise	<p>RUr.47.1</p> <p>a) Noise levels from Rural Areas when measured at or within any site in a Residential Zone must not exceed:</p> <p>Day Time 55 dBA (L10)</p> <p>Other Times 45 dBA (L10) 75 dBA (Lmax)</p> <p>Day Time means 7am-10pm Monday to Friday, and 9am-10pm Saturdays, Sundays and Public Holidays.</p> <p>b) Noise levels measured at or within the notional boundary of any rural dwelling other than any dwelling on the site from which the noise is being generated, must not exceed:</p> <p>Day Time 55 dBA (L10)</p> <p>Other Times 45 dBA (L10) 75 dBA (Lmax)</p> <p>Day Time means 6am-10pm Monday to Sundays. For Part (b) of this Rule, all noise from normal rural activities shall be excluded, including:</p> <p>i) mobile horticultural and agricultural equipment, and ii) temporary forest and tree harvesting activities, and iii) animals, except when associated with intensive commercial livestock farming and animal boarding activities, and iv) bird scares and hail canons.</p> <p>c) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.</p>	<p>RUr.47.2</p> <p>not applicable</p>	<p>RUr.47.3</p> <p>Activities that contravene a permitted condition are discretionary.</p>
RUr.48 Hazardous substances - use and storage	<p>RUr.48.1</p> <p>The use or storage of hazardous substances is a permitted activity if it complies with the conditions for permitted activities in Appendix 21 (hazardous substances).</p>	<p>RUr.48.2</p> <p>The use or storage of hazardous substances is a controlled activity if it complies with the standards and terms for controlled activities in Appendix 21.</p>	<p>RUr.48.3</p> <p>The use or storage of hazardous substances is a discretionary activity if it complies with the standards and terms for discretionary activities in Appendix 21.</p>
RUr.49 Papakainga Development (Sch.P)	<p>RUr.49.1</p> <p>Papakainga development is permitted if:</p> <p>a) it complies with Schedule Sch.P.</p>	<p>RUr.49.2</p> <p>Schedule Sch.P applies.</p>	<p>RUr.49.3</p> <p>Schedule Sch.P applies.</p>
RUr.49A Services Overlay Building	<p>RUr.49A.1</p> <p>Erection or extension of buildings in the Services Overlay is permitted if:</p> <p>a) it is not located in the path of any future road : (iv) shown as an Indicative Road on any Structure Plan in the Plan, or (v) shown as Proposed Road on the Rooding Hierarchy Maps A2.1 and A2.2 in Volume 4 of the Plan, or (vi) shown as Proposed Road on any Planning Maps in Volume 4 of the Plan.</p> <p>b) Existing Council water, stormwater and wastewater connections are available to the site and have capacity to serve the building and associated development, and</p> <p>c) The building and associated development is connected through piped gravity outfalls to the Council wastewater and stormwater system, and supplied with water through a gravity system from a Council water supply.</p>	<p>RUr.49A.2</p> <p>not applicable</p>	<p>RUr.49A.3</p> <p>Erection or extension of buildings that contravene a permitted condition and propose to connect to public reticulated services are restricted discretionary.</p> <p>Discretion is restricted to:</p> <p>i) whether adequate capacity and availability exists in the Council water supply, stormwater and wastewater system to cope with the demands of development of the site(s), and ii) whether all connections to Council services (excluding roading) are to gravity systems, and iii) in the absence of i) or ii) above, the ability of private infrastructure to ensure ongoing effectiveness, including the maintenance and monitoring of such systems, and iv) the location of building to ensure it does not impede the route or construction of any future road or utility services.</p> <p>Resource consent for restricted discretionary activities will be considered without notification.</p> <p>Discretionary Activity</p> <p>Activities that propose to connect to on site services are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.47.4</p> <ul style="list-style-type: none"> a) the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause. b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units, within the rural and neighbouring zones. c) whether the noise is likely to detract from the general environmental quality being proposed for the rural zone, or the amenity of any adjacent residential zone. d) the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity. 	<p>RUr.47.5</p> <p>The rule provides a minimum standard designed to prevent excess levels of noise which may create nuisance to adjoining activities, in particular dwellings on adjacent properties.</p>
<p>RUr.48.4</p> <p>Assessment Criteria in Appendix 21.</p>	<p>RUr.48.5</p> <p>See Appendix 21.</p>
<p>RUr.49.4</p> <p>See Schedule Sch.P.</p>	<p>RUr.49.5</p> <p>See Schedule Sch.P.</p> <p>The schedules for this zone follow after the Rule Table.</p>
<p>RUr.49A.4</p> <ul style="list-style-type: none"> a) the matters in the NCC Land Development Manual 2010. b) that the location of the building does not impede the route and construction of any future road or utility services required to service the site or surrounding sites with potential for residential development. c) whether road access and reticulated services are able to be provided to the site and any surrounding site with potential for residential development from any other practical route. d) whether the building can provide for on site servicing for the building in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29. e) the strategic planning programme for servicing sites within the district. 	<p>RUr.49A.5</p> <p>The Services Overlay is the area shown on the Planning Maps where the existing water supply, stormwater drainage or wastewater system is not available (for example, because of the relative levels) or has insufficient capacity to accept more discharges or new connections.</p> <p>Under its Long Term Plan, the Council has a programme for progressive upgrading of the stormwater, wastewater, water and roading networks in the City. Until that upgrading takes place, building will be discretionary.</p> <p>If a developer proposes a short term access, drainage or water supply method that is not consistent with the Long Term Plan, the effects of this on the environment and the Long Term Plan (especially any compromising effect on the overall development of the City systems) will be assessed when a resource consent application is considered. Gravity fed systems are preferred because these have lower maintenance costs and are more reliable.</p> <p>The Services Overlay is also used to ensure that practical road access and the extension of services from one property to another which has potential for development is maintained. Erection or extension of buildings will not be permitted in locations where this hinders or prevents the only practical route for a future road or reticulated services to serve the site and adjoining site with potential for development.</p> <p>Use of on site servicing within the Rural Zone Services Overlay is discouraged, and the application would be considered as a discretionary activity.</p> <p>Note: The capacity of the stormwater drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

Rules relating to overlays on Planning Maps

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.50 Coastal Environment Overlay Archaeological Overlay Structures</p>	<p>RUr.50.1 In the Coastal Environment Overlay, erection or extension of a structure or building is permitted if:</p> <ul style="list-style-type: none"> a) it is an extension of an existing building which does not increase its total floor area by more than 50% above that existing at the date of this plan becoming operative, or b) it is a: <ul style="list-style-type: none"> i) fence, or ii) stock yard, or iii) non residential building with a maximum floor area of 20m² and a maximum height of 5m, or iv) underground service or utility, or c) it is set back at least 100m inland from mean high water springs, and is not within an Archaeological Overlay, or d) it is on a site located between Cable Bay Road and Delaware Inlet between Lot 5 DP 5832 and Pt Sec 90 Square 23 SO 2104 inclusive, and no part of any building or structure is closer than 20m inland from mean high water springs, or e) It is a new overhead network utility line on an existing support structure and that new line (or bundle of lines): <ul style="list-style-type: none"> i) Is hung no lower than any other line on that structure, and ii) Is no greater than 25mm in diameter. 	<p>RUr.50.2 In the Coastal Environment Overlay or an Archaeological Overlay, erection or extension of a new structure or building that contravenes a permitted condition is controlled if:</p> <ul style="list-style-type: none"> a) it is set back at least 20m inland from mean high water springs. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) appearance, design, landscaping and location, and ii) access of public to and along the Coastal Marine Area, and iii) effects of earthworks, and iv) effects on Maori cultural values (only within an Archaeological Overlay). 	<p>RUr.50.3 Restricted Discretionary Activity Activities that contravene a permitted condition or a controlled standard are a restricted discretionary activity in the Coastal Environment Overlay if:</p> <ul style="list-style-type: none"> a) the structure is not within 20m inland of mean high water springs, and b) any structure forms part of an extension to an existing overhead line network and that structure (with associated lines): <ul style="list-style-type: none"> i) extends the network by no more than 5 new support poles in any 5 year period; and ii) the structure is not a lattice tower. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) Visual effect (especially cumulative), and ii) Alternative routes available; and iii) Mitigation measures. <p>Discretionary Activity Activities that contravene a permitted condition or a controlled standard and are not a restricted discretionary activity are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.50.4</p> <ul style="list-style-type: none"> a) whether the structure will blend with the landscape or is positioned such that impacts are minimised. b) mitigation measures proposed to minimise impact on the area such as height, set back from boundaries or the Coastal Marine Area, landscaping, colour selection or pitch of roof. c) any effects on coastal processes and ecosystems. d) any effects on or risks from coastal hazards. e) The need for the structure or line. <p>Within an Archaeological Overlay the following additional criteria also apply:</p> <ul style="list-style-type: none"> f) the nature, form and extent of the proposed activity and its effects on any archaeological site, or other site of significance to tangata whenua. g) whether any archaeological site or other site of significance to tangata whenua exists within 50m of the site of the activity. h) the outcome of consultation with the tangata whenua of the area affected by the activity. i) the findings of any archaeological survey of the area surrounding the site commissioned by the applicant. j) if the site is to be modified, whether there is sufficient time and expertise to record or investigate the site. k) the ability to avoid, remedy or mitigate any adverse effects of the activity on any archaeological site. 	<p>RUr.50.5</p> <p>Structures excluding fences are not permitted immediately adjacent to the coast because of potential impacts on the natural character of the coast, public access, natural hazards, and coastal processes.</p> <p>If structures are set back 20 to 100m from the coast they are controlled to address the matters set out in the rule. Special provision is made for the settlement along Cable Bay Road, recognising that the natural character of the area is already compromised.</p> <p>Provision is made for network utility operators to add lines to existing poles where the visual effect will be minor. Provision is also made for existing line networks to be extended to service new customers in an area. However, a limitation is placed both on the number of support poles able to be erected and on the time frame that this can occur in, to ensure a cumulative visual effect is avoided. The rule is designed to ensure that only minor extensions can occur and in an acceptable time frame.</p> <p>Note that "Maintenance" is defined in Chapter 2 – Meaning of Words. Beyond 100m from the coast buildings are permitted except within an Archaeological Overlay. The Archaeological Overlays define areas which have been subject to centuries of Maori settlement. The areas are known to contain a high number of identified archaeological sites, and are also likely to contain many sites that are not documented. Records of some archaeological sites within the Archaeological Overlays 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.</p> <p>See Rule RUr.59 (archaeological sites) for individual mapped archaeological sites located outside the Archaeological Overlays.</p> <p>Provision is made for a situation where an individual landowner has conducted the necessary consultation with appropriate iwi and heritage representatives prior to applying for resource consent. In these instances, a letter signed by these representatives stating that the site of the works is "safe" for building, will enable the activity to be considered without the need for further consultation and on a restricted discretionary basis.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.51 Coastal Environment Overlays Minor Upgrading of Electricity Transmission Lines and Support Structures</p>	<p>RUr.51.1 Minor upgrading of electricity transmission lines and support structures is a permitted activity in the Coastal Environment Overlay if:</p> <ul style="list-style-type: none"> a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV. 	<p>RUr.51.2 not applicable.</p>	<p>RUr.51.3 Activities that contravene a permitted condition are discretionary.</p>
<p>RUr.52 Archaeological Overlay Earthworks (Note that this rule is a regional and a district rule)</p>	<p>RUr.52.1 Earthworks are permitted activities in the Archaeological Overlay for the following purposes:</p> <ul style="list-style-type: none"> a) maintenance of existing roads and tracks along their existing formation, or b) cultivation of soil down to a depth of 300mm, or c) earthworks associated with building foundations, or d) earthworks associated with forming a vehicle access to a residential unit on a site located between Cable Bay Road and Delaware Inlet between Lot 5 DP 5832 and Pt Sec 90 Square 23 SO 2104 inclusive, provided the earthworks are not within 20m inland from mean high water springs or highest astronomical tide in those circumstances where the difference between the two levels would indicate that the actual effect of earthworks on the environment would be greater due to the lesser distance to the waters edge. 	<p>RUr.52.2 not applicable</p>	<p>RUr.52.3 Restricted Discretionary Activity Activities that contravene a permitted condition are a restricted discretionary activity, if</p> <ul style="list-style-type: none"> a) a letter is provided with the application, and signed by the following three representatives: <ul style="list-style-type: none"> i) an iwi representative (nominated by the Iwi Resource Management Advisory Committee or its successor), and ii) the current NZ Archaeological Association file-keeper; and iii) a NZ Archaeological Association archaeologist, stating that the site of the proposed works is not likely to contain matters of archaeological or cultural significance. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) The protection of Cultural and heritage values; and ii) The matters listed for Discretion in RUr27.3 (Earthworks) <p>Restricted Discretionary applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p> <p>Discretionary Activity Activities that contravene the restricted discretionary standard are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.51.4</p> <ul style="list-style-type: none"> a) the visibility of the site from the coast. b) the accessibility of the public to the locality. c) the nature of the activity and its likely visual impacts on the coast. d) any mitigation measures proposed such as landscaping, fencing or in terms of building design. e) the effects of activities on values identified in Appendices 4 and 5. 	<p>RUr.51.5</p> <p>“Minor Upgrading” (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of “minor upgrading” is clearly set out in Chapter 2 – Meaning of Words.</p>
<p>RUr.52.4</p> <ul style="list-style-type: none"> a) the nature, form and extent of the proposed activity and its effects on any archaeological site. b) whether any archaeological site exists within 50m of the site of the earthworks, and if so its proximity. c) the nature of the archaeological site and its sensitivity. d) the outcome of consultation with the tangata whenua of the area affected by the activity. e) the findings of any archaeological survey of the area surrounding the site commissioned by the applicant. f) if the site is to be modified, whether there is sufficient time and expertise to record or investigate the site. g) the ability to avoid, remedy or mitigate any adverse effects of the activity on any archaeological site. h) the assessment matters in RUr27.4 (Earthworks) 	<p>RUr.52.5</p> <p>The rule regulates earthworks within the Archaeological Overlay in order to provide additional control to avoid damaging archaeological sites. (See RUr.50.5 for an explanation relating to the Archaeological Overlays.) Shallow soil disturbance, such as cultivation, is permitted by this rule.</p> <p>Records of some archaeological sites within the Archaeological Overlays 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.</p> <p>See Rule RUr.59 for individual mapped archaeological sites located outside the Archaeological Overlays.</p> <p>Provision is made for a situation where an individual landowner has conducted the necessary consultation with appropriate iwi and heritage representatives prior to applying for resource consent. In these instances, a letter signed by these representatives stating that the site of the works is “safe” (i.e. Has no apparent or known heritage or cultural values) for earthworks, will enable the activity to be considered without the need for further consultation and on a restricted discretionary basis.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.53 Coastal Environment Overlay Earthworks (Note that this is a regional and a district rule)</p>	<p>RUr.53.1 Earthworks are permitted activities in the Coastal Environment Overlay for the following purposes:</p> <ol style="list-style-type: none"> a) maintenance of existing roads and tracks along their existing formation, or b) cultivation of soil down to a depth of 300mm, or c) earthworks associated with building foundations, or d) earthworks associated with forming a vehicle access to a residential unit on a site located between Cable Bay Road and Delaware Inlet between Lot 5 DP 5832 and Pt Sec 90 Square 23 SO 2104 inclusive, provided the earthworks are not within 20m inland from mean high water springs or highest astronomical tide in those circumstances where the difference between the two levels would indicate that the actual effect of earthworks on the environment would be greater due to the lesser distance to the waters edge, or e) provision is made for network utility operators to add lines to existing poles where the visual effect will be minor. Provision is also made for existing line networks to be extended to service new customers in an area. However a limitation is placed both on the number of support poles able to be erected and on the time frame that this can occur in, to ensure a cumulative visual effect is avoided. The rule is designed to ensure that only minor extensions can occur and in an acceptable time frame. 	<p>RUr.53.2 Earthworks which contravene a permitted condition are controlled if:</p> <ol style="list-style-type: none"> a) they are not located within the Land Management Overlay and the maximum height or depth of excavation or filling does not exceed 3m, or b) they are located within the Land Management Overlay and the maximum height or depth of excavation or filling does not exceed 1.2m. <p>Control reserved over:</p> <ol style="list-style-type: none"> i) the scale of the earthworks and their visibility, especially from the coast, and ii) the length of time that the works are expected to be visible, and iii) any mitigation measures proposed to ensure that visual impacts are minimised, and that sediment does not reach the coast directly or indirectly, and iv) revegetation of any side cast spoil v) any effects on coastal processes and ecosystems, and vi) any effects on, or risks from, coastal hazards, and vii) the assessment criteria in Rule RUr.27 (earthworks). 	<p>RUr.53.3 Earthworks that contravene a permitted condition or a controlled standard are a discretionary activity.</p>

Assessment Criteria	Explanation
<p>RUr.53.4</p> <ul style="list-style-type: none"> a) the scale of the earthworks and their visibility, especially from the coast. b) the length of time that the works are expected to be visible. c) any mitigation measures proposed to ensure that visual impacts are minimised, and that sediment does not reach the coast directly or indirectly. d) any effects on coastal processes and ecosystems. e) any effects on or risks from coastal hazards. f) the assessment matters in Rule RUr.27. 	<p>RUr.53.5</p> <p>The rule regulates earthworks to control sediment movement from earthworks into coastal waters, potential impacts on the natural character of the coast, natural hazards, and coastal processes. Earthworks are discretionary because of the sensitivity of the coastal environment, and the importance placed on the coast in the Resource Management Act and the NZ Coastal Policy Statement. Some minor earthworks activities are permitted, for instance the earthworks associated with laying and maintaining an underground network utility service. This is because installation techniques, (such as mole ploughing), combined with reinstatement requirements, ensure that adverse visual effects of earthworks are kept to very low levels.</p> <p>Shallow soil disturbance, such as cultivation, is a Permitted Activity under this rule.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.54 Landscape Overlay Structures	RUr.54.1 In the Landscape Overlay the construction of any new structure other than a fence is not a permitted activity unless it is a structure or line being erected as part of maintenance of an existing network utility.	RUr.54.2 In the Landscape Overlay a structure is a controlled activity if it is: a) a residential unit, or b) a farm structure Control reserved over i) location, ii) design and iii) appearance.	RUr.54.3 Activities which contravene a permitted condition or a controlled standard are discretionary.
RUr.55 Landscape Overlays Minor Upgrading of Electricity Transmission Lines and Support Structures	RUr.55.1 Minor upgrading of electricity transmission lines and support structures is a Permitted Activity in the Landscape Overlay if: a) the line or support structure is existing, and b) the line has a capacity of greater than or equal to 66kV.	RUr.55.2 not applicable	RUr.55.3 Activities that contravene a permitted condition are discretionary.
RUr.56 Landscape Overlay Earthworks	RUr.56.1 Earthworks in the Landscape Overlay are not a permitted activity, except for the purpose of maintaining roads, and: a) in the case of underground network utilities where: i) the maximum width or depth of the trench does not exceed 1.2m, and ii) immediately after filling, the surface is shaped to conform with existing ground contours, and is revegetated with grass or plant species appropriate to the site.	RUr.56.2 Earthworks in the Landscape Overlay affecting the Marsden Valley Higher Density Small Holdings Area (within Schedule V) is a controlled activity if: a) earthworks do not exceed 4m in depth of cut or fill; b) the site is not in the Land Management Overlay; c) all other criteria under RUr.27.2 are met. Control is reserved over: i) the extent, form and duration of earthworks; ii) the visual impacts of earthworks; iii) methods to control erosion and other potential scarring of the landscape as a consequence of the earthworks i.e. stormwater control, batters, and planting for amenity and restoration.	RUr.56.3 Activities which contravene a permitted condition are discretionary, except; Earthworks in the Landscape Overlay affecting the Marsden Valley Higher Density Small Holdings Area (within Schedule V) are a restricted discretionary activity. The matters over which Council has restricted its discretion are as follows: i) Visual effects ii) Stability, geotechnical and hazard effects particularly in the Land Management Overlay. iii) The minimisation of earthworks achieved through design and layout being responsive to the site. iv) The need for the quantity of earthworks to support infrastructure, roading or future urban development. v) The extent of disturbance to natural drainage patterns. vi) Sediment control. vii) Extent of resultant hard surfaces. viii) Staging of earthworks and relationship to the master plan of any subdivision proposal. ix) In determining whether to grant consent, and what conditions to impose, Council will have regard to the assessment criteria in U.8.

Assessment Criteria	Explanation
<p>RUr.54.4</p> <ul style="list-style-type: none"> a) the proposed position of the structure within the landscape (ridgeline, etc). b) the extent of compliance with the guidelines in Appendix 7 (guide for subdivision and structures in the landscape overlay) relating to structures. c) the impact of the proposed structure on the view and landscape as described in Appendix 9 (landscape components and views). d) whether the structure will blend with the landscape or be positioned such that impacts are minimised. e) mitigation measures proposed to minimise impact on the area such as landscaping, colour selection, pitch of roof. 	<p>RUr.54.5</p> <p>The rule is intended to allow rural landowners to develop their properties for normal residential and rural activities without compromising the values of the identified landscape areas in Appendix 9. Structures that are erected or extended as part of the maintenance of a network utility, are also permitted provided the activity can comply with the definition of "Maintenance" as defined in Chapter 2 – Meaning of Words. Other structures are discretionary activities, allowing each case to be considered on its merits.</p>
<p>RUr.55.4</p> <ul style="list-style-type: none"> a) the visual impacts of the proposed activity. b) any possible alternative locations or methods available. c) the applicant's reasons for choosing the proposed location for the activity. d) any vegetation clearance associated with the activity. e) whether the impacts of the activity can be remedied or mitigated sufficiently for it to be accommodated within the landscape. eg. by painting, change of materials, landscaping, placement or other measures. f) any impacts on soil erosion or sedimentation of water ways. g) the stability of the land. h) Appendix 9 (landscape components and views). 	<p>RUr.55.5</p> <p>"Minor Upgrading" (in accordance with the definition in Chapter 2) is permitted in relation to larger electricity infrastructure only. These utilities are primarily located on the outskirts of the city and involve the higher voltage lines which are generally located on the larger structures like lattice towers. These existing structures are generally visually prominent wherever they are located, however it is considered that minor upgrading to the extent provided for in the definition, can occur without further noticeable effect.</p> <p>Note that the definition of "minor upgrading" is clearly set out in Chapter 2 – Meaning of Words.</p>
<p>RUr.56.4</p> <ul style="list-style-type: none"> a) whether the activity can be screened from public view in a way which does not detract from the area or obscure any natural features. b) any impact on the long term capability of the land. c) any potential impact on the flow of water, watercourses, land and stability and other hazards. d) effects on any indigenous flora and fauna. e) the proposed land use following the activity and the extent to which the natural form of the land is to be altered. f) the visibility of the activity, from the city or main traffic corridors, and the length of time that the works are expected to be visible. g) any mitigation measures proposed, designed to ensure that visual impacts are minimised. h) compatibility of the proposed earth shaping with existing landforms. i) restoration of landform and land cover following earthworks. 	<p>RUr.56.5</p> <p>Earthworks that adversely affect the visual appearance of the city backdrop and the views from main roads need to be considered on a case by case basis.</p> <p>Underground network utilities have a minor effect on the landscape where the adverse visual effects can be mitigated through appropriate contouring and revegetation.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.57 Conservation Overlay Structures Soil disturbance and vegetation clearance</p>	<p>RUr.57.1 Activities within the Conservation Overlay are permitted if:</p> <ul style="list-style-type: none"> a) the land on which the activity is to take place is subject to <ul style="list-style-type: none"> i) a Queen Elizabeth II Open Space Covenant, or ii) a Conservation Covenant, or iii) the activity is consistent with an enforceable agreement between the landowner and the Council which provides for the protection or enhancement of the conservation values scheduled in Appendix 5 for that part of the conservation overlay, or b) the activity does not involve the erection, extension, construction or alteration of structures, other than post and wire fences not exceeding 1.5m high, and c) the activity does not involve earthworks or soil disturbance, and d) the activity does not involve clearance of vegetation, other than hand clearance of exotic vegetation. 	<p>RUr.57.2 On land located within the Conservation Overlay extension of a utility service line or structure is controlled.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> i) damage to indigenous vegetation, and ii) discharge of contaminants, and iii) disturbance of riverbanks or river beds, and iv) maintenance of access, and v) remedial measures. 	<p>RUr.57.3 Activities that contravene a permitted condition and involve clearance of indigenous forest are discretionary.</p> <p>Where activities contravene a permitted condition and do not involve clearance of indigenous forest they are restricted discretionary.</p> <p>Discretion restricted to: the protection and enhancement of significant natural values identified in accordance with the criteria contained in Table DO5.1.</p> <p>Resource consent applications for restricted discretionary activities may be considered without notification and without the need to obtain written approval of affected persons, under section 94 of the Act.</p>
<p>RUr.58 Riparian Overlay Activities on land identified with riparian values</p>	<p>RUr.58.1 On land adjoining a Riparian Overlay listed in Table 6.2 of Appendix 6 (riparian or coastal areas with priority values), the following are not permitted within the distance set out in the Esplanade Requirements column:</p> <ul style="list-style-type: none"> a) erection or extension of any structure (excluding a fence), or b) adverse effects on indigenous vegetation, or c) disturbance to river banks. 	<p>RUr.58.2 On land located within a Riparian Overlay listed in Table 6.2 of Appendix 6</p> <ul style="list-style-type: none"> a) extension of an existing structure or utility service line or structure, or b) erection of a single storey non habitable building of less than 40m² total floor area <p>are controlled.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> i) damage to indigenous vegetation, and ii) disturbance of riverbanks iii) maintenance of access, and iv) remedial measures. 	<p>RUr.58.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.57.4</p> <ul style="list-style-type: none"> a) the effect of a structure and activities associated with the structure on the values associated with the particular area. b) any protection or mitigation measures proposed, including any positive effects to offset adverse effects. c) the effects on the ecological and visual values of the area. d) the outcome of any consultation with interested or affected parties (including Department of Conservation, QEII Trust). e) any proposed environmental compensation (such as formal protection of the area, or parts or values of the area). f) assessment matters in Rule RUr.27 (earthworks). 	<p>RUr.57.5</p> <p>The rule protects valued identified areas from development that would adversely affect the values. The rule also protects the ecological values and visual appearance. It allows each case to be considered on its merits.</p> <p>Council recognises that this rule related to structures, soil disturbance and vegetation clearance only partially addresses the threats to the future viability of significant natural areas. Unless active management is undertaken, continued browsing by animals or displacement by plant pests may destroy the natural values of an area as surely as a bulldozer.</p> <p>Active management of privately owned significant natural areas is dependent on maintaining or enhancing the active co-operation and good will of the landowner.</p> <p>Council recognises that methods such as private protection agreements, which can include recognition of past and present management practices, assistance with enhancement works, education and incentives, are more likely to maintain and enhance the co-operation of the landowner than are rules in a plan. Therefore where a relevant private protection agreement exists Council considers that the threat to the significant natural area has been adequately addressed and that the rules contained in RUr.53 need not apply.</p> <p>Earthworks, soil disturbance and vegetation clearance are also regulated by other rules.</p> <p>Activities within stated distances of the coast, rivers, and wetlands are also regulated by Rules RUr.31 (activities near rivers or wetlands) and RUr.50 (structures).</p>
<p>RUr.58.4</p> <ul style="list-style-type: none"> a) the values for esplanade purposes stated in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act. b) the nature of the proposed activity, its likely effects on the values for esplanade purposes, and methods of avoiding, remedying or mitigating the adverse effect. c) Any circumstances making the future setting aside of a esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment. d) Whether a lesser distance than specified might adequately protect the esplanade values. e) Any existing protection of the area including existing esplanade reserves or strips or protective covenants. 	<p>RUr.58.5</p> <p>This rule ensures that activities within areas identified for possible acquisition of esplanade reserves or strips do not compromise their riparian values, or value for future acquisition.</p> <p>In the case of Riparian Overlays listed in Table 6.2 of Appendix 6, esplanade reserves or strips will be acquired whenever subdivision occurs, or may be required as a condition of a resource consent eg. when there is a change of land use activity on the site. The width of the desired esplanade reserve or strip is set out in Appendix 6, Table 6.2.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.59 Archaeological Sites	RUr.59.1 The following are not permitted within 50m of any archaeological site listed in Appendix 3 (archaeological sites) and identified on the Planning Maps: a) erection or extension of any building or other structure, or b) soil disturbance, or c) earthworks.	RUr.59.2 not applicable	RUr.59.3 Activities that contravene a permitted condition are discretionary. (In situations where the extent of the archaeological site is unclear, the application may be required to be accompanied by an archaeological survey of the area surrounding the site, carried out by a person suitably competent in archaeological survey).
RUr.60 Fault Hazard Overlay	RUr.60.1 Erection, extension or alteration of a building within the Fault Hazard Overlay is permitted provided that a) where a fault trace can be identified and precisely located by reference to Council's conditions book, subdivision files, site files, or GIS database, then the building is set back at least 5m from the fault trace.	RUr.60.2 not applicable	RUr.60.3 Activities which contravene a permitted condition are a restricted discretionary activity. Discretion restricted to hazard avoidance or mitigation matters. The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.) Resource consent applications for restricted discretionary activities will be considered without notification or obtaining the written consent of neighbours under section 94 of the Act.

Assessment Criteria	Explanation
<p>RUr.59.4</p> <ul style="list-style-type: none"> a) the nature, form and extent of the proposed activity and its effects on the site. b) the impacts on the integrity or heritage value of the site. c) the findings of an archaeological survey of the area surrounding the site commissioned by the applicant, and carried out by a person suitably competent in archaeological survey. d) where the application relates to a Maori archaeological site, the response of the tangata whenua. e) if the site is to be modified, whether there is sufficient time and expertise to record the site. f) the ability to avoid, remedy or mitigate any adverse effects of the activity on the site. 	<p>RUr.59.5</p> <p>Archaeological sites are sites of human activity before 1900. In this Plan the majority are Maori sites, with most non-Maori sites being on the Heritage Buildings, Places and Objects list (Appendix 1).</p> <p>The archaeological sites identified on the Planning Maps are from the registers of the Historic Places Trust and the NZ Archaeological Association. A resource consent is required for the listed activities within 50m of the identified site. This allows examination of whether there are unidentified sites in close proximity. It also allows scrutiny of activities near a site which, while not damaging the site itself, might indirectly affect the value of the site eg. a toilet block near a waahi tapu.</p> <p>Applicants are reminded that authority is needed from the Historic Places Trust before any archaeological site is destroyed, damaged or modified. This applies to any archaeological site, whether or not it is identified on the maps in this Plan or in any other way. In other words, it applies to archaeological sites uncovered accidentally. Under section 10 of the Historic Places Act 1993 it is an offence to damage an archaeological site without authority. In the case of accidental discovery, the relevant iwi should be contacted immediately so that they can decide what action should be taken. In addition, the Historic Places Trust should be notified.</p>
<p>RUr.60.4</p> <ul style="list-style-type: none"> a) the extent to which potential hazard to life can be avoided, or mitigated. b) the degree of risk bearing in mind the probability of danger or damage and the level of danger or damage which may be sustained in any event. c) Any other likely use of the building (eg. a community centre is often used as a Civil Defence HQ). 	<p>RUr.60.5</p> <p>The exact location of any particular fault line is difficult to establish without site specific investigations. Where the location of a fault is generally known or can be inferred, it is marked on the Planning Maps. The location through which the fault is likely to pass has been marked. Where the location of fault lines are marked or can be reasonably established, buildings should be located so that they avoid the fault line.</p> <p>The Building Act also regulates siting of buildings by reference to seismic risks.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.61 Grampians Slope Risk Overlay Earthworks	RUr.61.1 Earthworks are permitted if: a) any excavation does not exceed 0.6m in height, and b) placement of fill does not exceed 3m ³ on any site.	RUr.61.2 not applicable	RUr.61.3 Activities that contravene a permitted condition are discretionary. (The application must be accompanied by a geotechnical assessment from a suitably qualified and experienced geotechnical engineer or engineering geologist.)
RUr.62 Flood Overlays Structures Earthworks Rural Zone	RUr.62.1 Note: no special rules apply to this overlay. The overlay is to advise that the potential for flooding or flood related damage exists within this overlay and should be taken into account when considering resource consent applications.	RUr.62.2 not applicable	RUr.62.3 not applicable
RUr.63 Land Management Overlay	RUr.63.1 See rule RUr.27 (earthworks)	RUr.63.2	RUr.63.3

Assessment Criteria	Explanation
<p>RUr.61.4</p> <ul style="list-style-type: none"> a) the geology of the site including any relationship or effect on areas of actual or potential instability off the site. Any susceptibility to slope failure from oversteepening of the slope and/or water saturation. b) the risk to life, property and the environment posed by the slope instability. c) irrespective of whether the activity is directly affected by instability, the extent to which it would worsen the risk of instability on other sites eg. by discharge of stormwater, or changes in water flows. d) the nature of the proposed activities on the site, or on other sites potentially affected by the natural hazard. e) whether there is a need for large excavations to be carried out in stages, with each stage being retained before the next stage is started. f) the nature of any fill and its effects on the stability of the site. g) the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated. h) the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated. i) the assessment criteria set out in Rule RUr.61 (earthworks). 	<p>RUr.61.5</p> <p>The Grampians Slope Risk Area includes areas which show widespread, but not uniform, evidence of instability. The instability ranges from relatively small, well defined features, to broad areas of slope failure whose boundaries are imprecisely known. Other areas show no obvious evidence of instability. However, their geology is such that they have the potential to fail when the ground is water saturated or is over steepened through excavation, or both.</p> <p>The base document which defines these areas and justifies the planning approach is the report "Nelson City Council, Geotechnical Assessment - Grampians Foothills, Nelson, December 1995".</p> <p>Large excavations can destabilise the hill side, as can the uncontrolled discharge of stormwater. Placement of larger amounts of fill also needs to be carefully done to ensure stability.</p> <p>The permitted standards however are set to allow most minor section development, such as minor excavation and benching for garden landscaping, access drives etc.</p> <p>Buildings are permitted but property owners should be aware of the nature of the area and the need to comply with the natural hazard provisions of the Building Act when gaining a building consent.</p>
<p>RUr.62.4</p> <ul style="list-style-type: none"> a) whether there is a need for large excavations to be carried out in stages, with each stage being retained before the next stage is started. b) the nature of any fill and its effects on the stability of the site. c) the extent to which the effects of the hazard, or the effects of the activity on the hazard, can be remedied or mitigated. d) the need to specify any conditions, eg. that all work is carried out under the supervision of a suitably qualified engineer or geologist, that excavations are retained as soon as possible and drained, with stormwater piped into an approved stormwater system, and avoid periods of rainfall or when the ground is highly saturated. e) the assessment criteria set out in Rule RUr.61 (earthworks). 	<p>RUr.62.5</p> <p>This is an advisory rule to alert plan users to the existence of potential flood hazards in the rural area.</p> <p>Buildings are subject to the provisions of the Building Act which requires consideration of natural hazards. The presence of the Flood Overlay will be taken into account when processing any building consent under the Building Act.</p> <p>Earthworks are controlled by rule RUr.27 (earthworks). Where earthworks occur within the flood overlay they are considered to be a restricted discretionary activity.</p> <p>Section 14 of the Act generally restricts damming or diversion of water except as provided for by a rule in a plan or by a resource consent. Where earthworks or a structure is likely to result in the damming or diversion of water a regional resource consent is generally required.</p>
<p>RUr.63.4</p>	<p>RUr.63.5</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.64 Heritage Buildings, Places and Objects Overlay Alterations to Group A and B items</p>	<p>RUr.64.1 Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if:</p> <p>a)</p> <ul style="list-style-type: none"> i) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and ii) it is carried out to the same scale as the original, including window scale, and with materials and details similar to, or having the same appearance to those originally used, or <p>b) the work is on the interior of a building or its site surrounds (unless otherwise specified in Appendix 1 in which case (a) also applies).</p>	<p>RUr.64.2 not applicable</p>	<p>RUr.64.3</p> <ul style="list-style-type: none"> a) Alteration to any Group A building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted activity is discretionary. b) Alteration to any Group B building, place or object listed in Appendix 1 which does not comply with the conditions for a permitted activity is a restricted discretionary activity. <p>Discretion restricted to:</p> <ul style="list-style-type: none"> i) design and appearance. <p>Resource consent applications for restricted discretionary activities will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>
<p>RUr.65 Heritage Buildings, Places and Objects New Buildings on the site of a Heritage Item</p>	<p>RUr.65.1 Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p>	<p>RUr.65.2 Erection of a new building on the site of a Group A or Group B heritage item is controlled. Control reserved over:</p> <ul style="list-style-type: none"> i) design and appearance in relation to existing heritage item, and ii) distance of new building from, and location and relationship to existing heritage item 	<p>RUr.65.3 not applicable</p>

Assessment Criteria	Explanation
<p>RUr.64.4</p> <ul style="list-style-type: none"> a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located. b) the extent to which the item has particular value because of the scarcity of heritage buildings, places or objects in the area, or because it forms part of a precinct of heritage buildings. c) the effect of the proposed alterations or additions on the integrity of the original heritage building or object, taking account of the scale of additions to the heritage building and the extent of loss (if any) of material of heritage significance and how visible the change will be. d) the degree to which the addition or alteration is compatible with the heritage building, place or object, and whether the alteration or addition is clearly distinguishable from the original as new work. e) the ability of the applicant to develop or use the site without the alteration, and the economic effects of this. f) whether the heritage value of the building, place or object has altered since the item was listed in the Plan. g) any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole. 	<p>RUr.64.5</p> <p>The rules provide three levels of protection depending on the categorisation of the heritage building, place or object.</p> <p>Minor maintenance is allowed for Group A and B items. More major work requires a resource consent to ensure the work is compatible with the heritage feature being protected. For Group B items discretion is restricted to the design and appearance of the alteration.</p> <p>Note: Buildings must comply with the general rules on bulk and location.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>
<p>RUr.65.4</p> <ul style="list-style-type: none"> a) the effect of the proposed new building on the integrity of the original heritage building or object, taking account of how visible the change will be. b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used. c) the location of the new building in relation to the heritage building or object and whether it dominates or detracts from the heritage building or object. 	<p>RUr.65.5</p> <p>This rule ensures that new buildings on the site of an existing heritage building, place or object are compatible with the existing heritage item. Distance from the heritage item is an important consideration, particularly where the proposed new building is in very close proximity to the heritage item. See separate rules for Heritage Precincts.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.66 Heritage Buildings, Places and Objects Overlay Demolition or removal of Group A and B items</p>	<p>RUr.66.1 Whole or partial demolition or removal of any Group A or B heritage building listed in Appendix 1 is not a permitted activity.</p>	<p>RUr.66.2 not applicable</p>	<p>RUr.66.3 Group B Whole or partial demolition or removal of any Group B heritage building, place or object listed in Appendix 1 is discretionary.</p> <p>Group A Whole or partial demolition or removal of any Group A heritage building, place or object listed in Appendix 1 is a non-complying activity.</p>
<p>RUr.67 Heritage Buildings, Places and Objects Overlay Demolition or removal of Group C items</p>	<p>RUr.67.1 Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if: a) 2 months written notice is given to the Council prior to the work being done.</p>	<p>RUr.67.2 not applicable</p>	<p>RUr.67.3 Activities that contravene the permitted conditions are discretionary.</p>
<p>RUr.68 Heritage Trees Trimming of a Heritage Tree identified in Appendix 2</p>	<p>RUr.68.1 Trimming of a Heritage Tree is permitted if: a) i) it is crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or ii) it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and b) the work is done in accordance with accepted arboricultural practice.</p>	<p>RUr.68.2 not applicable</p>	<p>RUr.68.3 Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>RUr.66.4</p> <ul style="list-style-type: none"> a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located. b) the extent to which the building has particular value because of the scarcity of heritage buildings in the area, or because it forms part of a precinct of heritage buildings. c) for removal, the degree of heritage loss due to the association of the building or object with the present site and the physical extent of relocation. d) the location a building or object is to be moved to, having regard to whether this yields a net environmental gain (eg. the new site is more accessible or visible), and whether the item is to be protected or covenanted on its new site. e) whether part of the building, place or object can be kept, while still maintaining to a reasonable degree, the features for which the item was listed. f) the ability of the applicant to economically develop or use the site without demolition, alteration or removal. g) the nature of any activity that is proposed to occur on the site, including the design and appearance of any replacement building or object. h) whether the heritage value of the building, place or object has altered since the item was listed in the Plan. i) any immediate or cumulative effects of the loss or removal of the listed building, place or object on the range, number, and quality of heritage features in the vicinity and the city as a whole. 	<p>RUr.66.5</p> <p>Group A buildings, places and objects are the premier heritage items in the District. Their removal or demolition therefore is a non-complying activity under the Plan. A lower threshold can be applied to Group B items, while recognising that their retention is still important.</p> <p>Buildings and objects may have different strengths of association with their site and situation. Relocation on the same site or to an adjoining site may have limited adverse effects, while relocation to a site further away will have a greater adverse effect.</p>
<p>RUr.67.4</p> <ul style="list-style-type: none"> a) whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item. 	<p>RUr.67.5</p> <p>The requirement for 2 months notice for Group C items allows time for photographic or other records to be made of the heritage building or item prior to it being demolished (the Council will maintain such records and archival material). It also provides the opportunity for interested parties to negotiate voluntary protection of the heritage item. This might include purchase or some other arrangement to the satisfaction of the property owner.</p>
<p>RUr.68.4</p> <p>Assessment Criteria – See following page</p>	<p>RUr.68.5</p> <p>Very limited trimming of Heritage Trees is allowed without a resource consent.</p> <p>Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.</p> <p>Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.69 Landscape Trees Trimming of a Landscape Tree identified in Appendix 2</p>	<p>RUr.69.1 Trimming of a Landscape Tree is permitted if:</p> <ul style="list-style-type: none"> a) it is crown thinning (as defined in Chapter 2), and b) the work is done in accordance with accepted arboricultural practice. 	<p>RUr.69.2 Activities that contravene a permitted condition are controlled. Control reserved over:</p> <ul style="list-style-type: none"> i) amount, timing and manner in which the trimming is carried out. <p>Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>RUr.69.3 not applicable</p>
<p>RUr.70 Heritage and Landscape Trees Activities within the root protection zone of a Heritage or Landscape Tree identified in Appendix 2</p>	<p>RUr.70.1 Activities within the root protection zone (defined in Chapter 2 Meanings of Words) of a Landscape Tree or a Heritage Tree identified in Appendix 2 are permitted if:</p> <ul style="list-style-type: none"> a) parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and b) it does not involve compaction, sealing, removal or addition of soil, and c) there is no discharge of a toxic substance, and d) there is no excavation or construction of structures except where the tree is on Road Reserve, where activities are permitted if: e) excavation is no deeper than 200mm and no less than 2m from the tree trunk, and f) sealing is within the existing formed carriageway or footpath. 	<p>RUr.70.2 Activities within the root protection zone of Landscape or Heritage Trees on Road Reserve that contravene a permitted condition are controlled. Control reserved over:</p> <ul style="list-style-type: none"> i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and ii) remedial measures. <p>Resource consent applications will be considered without notification or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>RUr.70.3 Activities within the root protection zone of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>Assessment Criteria for RUr.68.4, RUr.69.4, RUr.70.4, RUr71.4 & RUr.72.4</p> <ul style="list-style-type: none"> a) the condition of the tree, including any significant potential hazard to people or property. b) the extent to which the tree or trees contribute to the amenity of the neighbourhood. c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place. d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property. e) the extent to which the tree would seriously restrict the development potential of the site. f) any hardship or significant nuisance the tree causes to any person. g) any substitute or compensating tree planting or landscaping proposed. h) In the case of a tree in the road reserve: <ul style="list-style-type: none"> i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic. ii) whether alternatives to removing or damaging the tree have been adequately explored. i) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above: <ul style="list-style-type: none"> i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river ii) whether alternatives to removing or damaging the tree have been adequately explored. j) when the activity is within the root protection zone of a Heritage or Landscape Tree, how the tree trunk and roots will be protected while works proceed (eg, erection of a physical barrier). 	<p>RUr.69.5</p> <p>Normal trimming is permitted for Landscape Trees. The controls on Landscape Trees recognises that these are of less significance to the community than the Heritage trees, but still important.</p> <p>Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.</p> <p>Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.</p> <p>Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.</p> <hr/> <p>RUr.70.5</p> <p>Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.</p> <p>See also Ap20r.4 in relation to signs on heritage buildings and trees.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.71 Heritage and Landscape Trees Removing or destroying a Heritage or Landscape Tree identified in Appendix 2	RUr.71.1 Removing or destroying a Heritage or Landscape Tree is not a permitted activity	RUr.71.2 not applicable	RUr.71.3 Landscape Trees Removing or destroying a Landscape Tree is a discretionary activity. Heritage Trees Removing or destroying a Heritage Tree is a non-complying activity.
RUr.72 Local Trees Removing a Local Tree identified in Appendix 2	RUr.72.1 Removing a Local Tree is permitted if: a) written notice is given to Council at least 1 week prior to work being done.	RUr.72.2 not applicable	RUr.72.3 Activities that contravene a permitted condition are discretionary.
RUr.73 Potential Quarries Overlay Building	RUr.73.1 Building within 450m of a Potential Quarry Overlay point shown on the Planning Maps is permitted if: a) the building is associated with quarry activities, and b) the building is not a residential unit.	RUr.73.2 not applicable	RUr.73.3 Activities that contravene a permitted condition are discretionary.
RUr.74 Flaxmore Quarry (Scheduled Site - Sch.Q)	RUr.74.1 Activities are permitted if: a) they comply with Schedule Sch.Q.	RUr.74.2 Schedule Sch.Q applies.	RUr.74.3 Schedule Sch.Q applies.
RUr.75 York Valley Quarry (Scheduled Site - Sch.R)	RUr.75.1 Activities are permitted if: a) they comply with Schedule Sch.R	RUr.75.2 Schedule Sch.R applies.	RUr.75.3 Schedule Sch.R applies.
RUr.76 Marsden Quarry (Scheduled Site - Sch.S)	RUr.76.1 Activities are permitted if: a) they comply with Schedule Sch.S.	RUr.76.2 Schedule Sch. S applies.	RUr.76.3 Schedule Sch.S applies.
RUr.77 Marsden Valley (Scheduled Site - Sch. I)	RUr.77.1 Activities are permitted if: a) they comply with Schedule Sch. I	RUr.77.2 Schedule Sch. I applies.	RUr.77.3 Schedule Sch. I applies.
RUr.77A Marsden Hills (Scheduled Site – Sch. V) – refer to Residential Zone Chapter 7.	RUr.77A.1 Activities are permitted if: a) they comply with Schedule V.	RUr.77A.2 Schedule V applies.	RUr.77A.3 Schedule V applies.
RUr.77B Enner Glynn and Upper Brook Structure Plan (Schedule W)	RUr.77B.1 Schedule W applies	RUr.77B.2 Schedule W applies	RUr.77B.3 Schedule W applies

Assessment Criteria	Explanation
RUr.68.4 - RUr.72.4 Refer to Assessment Criteria on preceding page	<p>RUr.71.5 Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important. Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees. (note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.</p> <hr/> <p>RUr.72.5 Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.</p>
RUr.73.4 a) the effects of the building on the activities of existing quarries. b) the effects of the building on future quarry activities. c) the efficient present and future extraction of the rock resource.	<p>RUr.73.5 The Potential Quarries Overlay is the area surrounding the points identified on the Planning Maps where there is a significant rock resource suitable for quarrying. The rock resource is of great value to the community generally. New buildings are incompatible with quarries in that they cover the resource and make it physically more difficult to access. Residential units are especially incompatible with the effects of quarrying, including noise, vibration dust and the effects of heavy machinery and transport both on site and on nearby roads. It is likely that residents will find these effects unacceptable and this will tend to inhibit the utilisation of the rock resource. This Plan therefore limits the establishment of new residential units in the vicinity.</p>
RUr.74.4 See Schedule Sch.Q.	<p>RUr.74.5 See Schedule Sch.Q. The schedules for this Zone follow after the Rule Table</p>
RUr.75.4 See Schedule Sch.R.	<p>RUr.75.5 See Schedule Sch.R. The schedules for this Zone follow after the Rule Table.</p>
RUr.76.4 See Schedule Sch.S.	<p>RUr.76.5 See Schedule Sch.S. The schedules for this Zone follow after the Rule Table.</p>
RUr.77.4 See Schedule Sch. I	<p>RUr.77.5 See Schedule Sch. I Schedule I follows after the Residential Zone rule table (Chapter 7).</p>
RUr.77A.4 See Schedule Sch. V.	<p>RUr.77A.5 See Schedule V. Schedule V follows after the Residential Rule Table.</p>
RUr.77B.4 Schedule W applies	<p>RUr.77B.5 See Schedule W. The Schedules for this Zone follow after the rule table.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.78 Subdivision General</p> <p>(except for subdivision located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlay)</p>	<p>RUr.78.1</p> <p>Subdivision is not a permitted activity in this Zone.</p>	<p>RUr.78.2</p> <p>Subdivision not located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlays as shown on the Planning Maps is controlled, if:</p> <ul style="list-style-type: none"> a) it complies in all respects with all the relevant standards in Appendices 10 to 12, except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirements for other uses, and b) it complies with the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, and c) the land is not part of a papakainga development as defined in Sch.P, and d) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), are created and vested in the Council, and e) the net area of every allotment is at least <ul style="list-style-type: none"> i) 15ha, except in the Small Holdings Areas, or ii) 3ha average lot size with a 2ha^{05/01} minimum lot size in the Lower Density Small Holdings Area, or iii) 1ha average size with a 5000m² minimum size except in Marsden Valley Schedule I, Chapter 7, eastern area), Marsden Hills (Schedule V, Chapter 7), the south side of Enner Glynn Valley (Schedule W) and Ngawhatu where the minimum size is 2000m², and except in Marsden Valley, (Schedule I, Chapter 7, western area) where the average size is 6000m² and the minimum size is 2000m² (all exceptions are subject to the provision of reticulated services) in the Higher Density Small Holdings Area provided that any allotment to be created complies in all respects with the requirements of Appendix 14 (design standards), iv) no minimum in the case of allotments created solely for access or for a network utility, and f) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility, and g) every allotment is of a regular shape that will maximise the range and efficiency of potential uses of the land. h) in respect of any site located within an area covered by any Schedule, its associated subdivision layout and design generally accords with the Structure Plan or as otherwise specified by the Schedule. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the matters contained in the NCC Land Development Manual 2010, and ii) the effects of natural and other hazards, and iii) design and layout of the subdivision, and within Marsden Hills Rural Zone – Higher Density Small Holdings Area (Schedule V, Chapter 7), Marsden Valley Rural Zone – Higher Density Small Holdings Area (Schedule I, Chapter 7) and Enner Glynn (Schedule W) Rural Zone – Higher Density Small Holdings Area the utilization of clusters of development separated by open space, rather than a design which allows dispersed development, and iv) protection of natural features, landscapes, heritage items, vegetation and Maori values, and v) riparian management, and vi) public access, and vii) adverse effects likely to arise from the subdivision, associated development or subsequent use of the land, and viii) development of the subdivision and sites having regard to: <ul style="list-style-type: none"> a) appropriate vehicle access, and b) the siting of buildings, and c) provision of services, and ix) stormwater management, and x) the effects of vegetation clearance, land disturbance and earthworks, including on visual amenity, soil erosion and sedimentation, and xi) financial contributions in accordance with Chapter 6, and xii) the future of land subdivided for the purposes of public utilities and no longer required for the purpose. <p><i>Continued overleaf</i></p>	<p>RUr.78.3</p> <p>Subdivision not located in the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlays as shown on the Planning Maps that contravenes a controlled standard is discretionary if :</p> <ul style="list-style-type: none"> a) it complies in all respects with all the minimum standards in Section 7 Water, Section 5 Stormwater and Section 6 Wastewater in the NCC Land Development Manual 2010, and b) <u>it is not located in the Rural Zone or Small Holdings Area between The Glen Road (including all areas east of The Glen Road) and Whangamo Saddle.</u>^{05/01} b) <u>the net area of allotments is greater than 1ha in the Small Holdings Area except where lots have been created for the purpose of access or network utilities.</u>^{05/01} <p><u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamo Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u>^{05/01}</p> <p>Subdivision of land that is part of a papakainga development as defined in Sch.P is a prohibited activity.</p>

Assessment Criteria	Explanation
<p>RUr.78.4</p> <ul style="list-style-type: none"> a) the matters contained in the NCC Land Development Manual 2010. b) the extent of compliance with any plan provisions relating to streams, drains leading to streams, and any other waterbodies on the land to be subdivided. c) the extent of compliance with Appendices 10 to 12. d) effects on traffic, road network, access, parking, stormwater management, water supply, sewage reticulation, and power and telecommunication services (where relevant). e) the extent to which the subdivision design provides for the orderly development of adjoining land with development potential and the provision of services, including roading, to the boundary. f) the extent to which the land is subject to natural hazards, or included in inundation, floodpaths, fault areas and slope risk overlays, and whether any risks can be remedied or mitigated. g) the pattern of subdivision and how it relates to the desired environmental outcomes, amenity values for the locality and efficient use of infrastructure. h) the actual and legal protection of significant natural features or heritage items, and means to avoid or mitigate significant changes to the landscape or amenity values of the area. i) the extent to which the proposal has regard to Maori values, particularly any traditional, cultural, or spiritual aspect relating to the land. j) any consultation, including with tangata whenua as appropriate, and the outcome of that consultation. k) avoidance, remedy or mitigation of adverse effects of the subdivision, including temporary effects of construction. l) financial contributions (see Chapter 6). m) for on site wastewater disposal the matters in FWr.29. n) the ground level required to avoid the effects of flooding. o) the type of inundation likely to be experienced, whether it be stormwater ponding, tidal inundation, or some other combination of circumstances which could lead to surface flooding. p) effects on neighbouring properties, especially stormwater runoff. q) provision of adequate flow paths for surface flooding. r) the possibility of an overloaded public storm water system overflowing onto private property. s) effects of allotment size and shape, including on amenities of neighbourhood and on the potential efficiency and range of uses of the land. t) the values for esplanade purposes outlined in Table 6.1 or 6.2, Appendix 6 (riparian and coastal margin overlays), including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act. u) any circumstances which make the taking of the esplanade reserve or strip (or the width stated in Appendix 6, Table 6.2 – riparian or coastal areas with priority values) inappropriate, including (but not limited to) the nature of existing development, reasons of security, public safety, minor boundary adjustment. v) an existing protection of the area including any existing esplanade reserves or strips or any protective covenants. w) alternative ways in which the esplanade values identified in the area can be provided for including (but not limited to) the use of esplanade strips and protective covenants). x) the assessment matters in Table DO6.1 regarding the type of protection appropriate in given circumstances. y) Marine conservation values outlined in Appendix 4 (marine ASCV overlay). z) Deleted (Plan Change 13) <p><i>Continued overleaf...</i></p>	<p>RUr.78.5</p> <p>Specific rules apply to subdivision activities proposed within the Services, Coastal Environment, Conservation, Natural Hazard or Heritage Overlay (see Rule RUr.79 to RUr.84).</p> <p>Subdivision is a controlled activity so that conditions can be imposed on the development to ensure a satisfactory standard of amenity, the minimisation of adverse effects and that the site can be adequately serviced.</p> <p>In the case of a subdivision created only for access or for a network utility the plan provides that minimum lot sizes and requirements of access and services do not apply provided that the title of the lot records that it was created purely for access or for a network utility service and it may not comply with requirements for other uses.</p> <p>The controls also enable consideration to be had to the development potential of nearby land, so that the level of servicing provided is appropriate to the likely future demand in the area. This allows consideration of future roading patterns, and demands on other services, to avoid the need for costly and disruptive upgrading later.</p> <p>The Act states the preservation of the natural character of the river and coastal margins to be matters of national importance. This includes public access along these, and protection of areas of significant indigenous flora and the habitats of indigenous fauna, contained within them. It provides a number of mechanisms to achieve this protection including the taking of esplanade reserves and strips.</p> <p>The river and coastal margins on the Planning Maps and in Appendix 6, Table 6.2 (riparian or coastal areas with priority values), have been identified as containing riparian values in accord with section 229 of the Act. In some cases riparian protection already exists, or special circumstances exist, which make the acquisition of esplanade reserves or strips unnecessary. In other cases a lesser width or an alternative way of achieving riparian protection may be more appropriate. In these situations, a discretionary consent application is needed, in order to depart from the standards set out for a normal subdivision.</p> <p>Where a subdivision is discretionary, and the allotment adjoins any river or the coastal margin, then an esplanade reserve or strip may be required as a condition of the subdivision consent, having regard to the values identified in Appendix 6, Table 6.1 (riparian and coastal margins with identified riparian values).</p> <p>In the Small Holdings Area an average lot size of 3 ha with a minimum lot size of 2ha is provided for as a controlled activity. With the exception of lots created for access or solely for the provision of network utilities, lots of less than 1ha become a non-complying activity.</p> <p><i>Continued overleaf...</i></p>

Item	Permitted	Controlled	Discretionary/Non-complying
		<p>RUr.78.2 (continued)</p> <p>xiii) for areas subject to a Structure Plan, the matters contained in those including:</p> <ul style="list-style-type: none"> • the provision of adequate road, walkway and cycleway linkages, 'greenspace' and Biodiversity Corridors with appropriate connections within the subdivision and to adjacent land, as defined by the indicative routes shown, or described in the Structure Plan or within the Planning Maps; • any specific rules, schedules or other notations shown on the Structure Plan as applying to that land; • the timing for land to be set aside and/or timing of construction of indicative roads, walkways and cycleways as it relates to the needs of the subdivision, connectivity objectives for the wider environment, and mitigating cross boundary effects for other land uses. 	

Assessment Criteria	Explanation
<p>RUr.78.4 (continued)</p> <p>aa) Deleted (Plan Change 13)</p> <p>aa) the matters contained in any Schedules or shown on the Structure Plan as applying to that land.</p> <p>bb) In Marsden Hills (Schedule V, Chapter 7), Marsden Valley (Schedule I, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, and between the Enner Glynn Valley and Bishopdale and the Upper Brook Valley (Schedule W), the extent of the provision of pedestrian and cycle linkages between Open Space areas, Residential and Rural Zone - High Density Small Holdings Area neighbourhoods, and neighbouring land, to ensure over time pedestrian and/or cycleway links connect up to the Barnicoat Walkway and extending between and within the Ngawhatu, Marsden, Enner Glynn, Upper Brook and York Valleys or as otherwise indicatively shown, or described on Structure Plans.</p> <p>cc) In the Marsden Hills (Schedule V), Marsden Valley (Schedule I), Enner Glynn (Schedule W) and Ngawhatu Higher Density Small Holdings Areas, the extent to which the subdivision design provides for small enclaves of development surrounded and/or separated by open space/landscaped areas separating enclaves.</p> <p>dd) For those areas subject to a Structure Plan, the extent to which any proposal and/or development is in general accordance with the Structure Plan in a Schedule.</p> <p>ee) The effects of reverse sensitivity, or cross boundary effects, from subdivision, or introduction of public access, in proximity to the regionally significant resource of the York Valley Quarry.</p> <p>ff) The timing for which land is to be set aside and/or construction of indicative roads, walkways and cycleways, taking into account the foreseeable future need for physical connectivity and the use of adjoining land.</p>	<p>RUr.78.5 (continued)</p> <p>For the Marsden Hills Higher Density Small Holdings Area Schedule V (Chapter 7 Residential Zone) applies in addition to the zone rules. In Marsden Valley Schedule I (Eastern Rural Zone – Higher Density Small Holdings Area only, Chapter 7 Residential Zone) the Marsden Hills (Schedule V) and Enner Glynn (Schedule W) and Ngawhatu Higher Density Small Holdings Area, the average lot size is 1 ha with the minimum size 2,000m². This area provides a transition between residential development and the rural land beyond, and with development sensitive to landscape values as it relates to the more elevated land below the Barnicoat Range. The low minimum subdivision area enables discrete enclaves/clusters of development to be designed with large open space/landscaped areas separating the enclaves. The extent of geotechnical constraints in the area will result in quite defined and separated enclaves of development.</p> <p>In Marsden Valley (Schedule I, Chapter 7, Residential Zone) the western Rural Zone – Higher Density Small Holdings Area has a site size requirement of 6,000m² average and 2,000m² minimum with a requirement for reticulated services. This recognises that this area is surrounded by Residential zoning and is therefore not located in a rural or rural to residential transition environment.</p> <p>The papakainga provisions are included in the Plan in recognition of the special needs relating to land held in multiple ownership. Considerable flexibility from the normal density and other rules is provided in Sch.P. In order to avoid the papakainga provisions being used to get around normal density requirements in the Rural Zone, subdivision of land that is part of a papakainga development has been made a prohibited activity.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
Rules Relating to Overlays on Planning Maps			
RUr.79 Subdivision within the Coastal Environment Overlay	RUr.79.1 Not a permitted activity in this Overlay.	RUr.79.2 Subdivision is controlled if: a) it is undertaken to provide for an approved network utility structure, and b) the title of the lot created carries a notation that the lot was created to provide for a network utility structure and may not be suitable for the establishment of a residential unit. Control reserved over the matters of control contained in RUr.78.2 (subdivision).	RUr.79.3 Restricted Discretionary Activity An activity that contravenes a controlled standard is a restricted discretionary activity, if: a) It complies in all respects with the relevant standards in Appendices 10 to 12, and the minimum standards as defined in Section 1.1.1 General in the NCC Land Development Manual 2010, except in the case of allotments created solely for access or for a network utility where the title of the lot records that it was created solely for access or network utility purposes and that the lot may not comply with requirement for other uses; and b) The land is not part of a papakainga development as defined in Sch P; and c) Esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2 are created and vested in the Council; and d) The net area of every allotment is at least: i) 15ha, except in the Small Holdings Areas; or ii) 3ha average lot size with a 2ha minimum lot size in the Lower Density Small Holdings Area, or iii) 1ha average size with a 5000 square metre minimum size in the Higher Density Small Holdings Area, or iv) no minimum in the case of allotments created solely for access or for a network utility, and e) the proposed allotments contain a suitable complying building site, which includes adequate provision for effluent disposal, unless the allotment is solely for the purpose of access or a network utility. Discretion restricted to: i) allotment size; and ii) location of building sites; and iii) the location of boundaries in relation to natural features; and iv) landscaping; and v) design and appearance of structures; and vi) mitigation of visual effects of the subdivision and likely development on the coastal environment; and vii) the increased width, extent, type and location of esplanade reserves or strips; and viii) cumulative visual effects; and ix) measures to ensure protection of coastal water quality; and x) the development of property plans to facilitate integration of conservation and development; and xi) options for restoration or enhancement of coastal environment; and xii) protection of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes; and xiii) the matters listed under the heading "control reserved over" in RUr.78.2." Discretionary Activity Activities that contravene a standard for restricted discretionary activities are discretionary. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> ^{05/01}

Assessment Criteria	Explanation
<p>RUr.79.4</p> <ul style="list-style-type: none"> a) the effects on the natural character of the coast, given the likely pattern of development. b) the pattern of existing land holdings and uses. c) any measures designed to maximise use of natural contours in defining boundaries such as ridgelines. d) the positioning of any likely building platforms in any position visible from the coast. e) effects of any other overlay or hazard. f) any environmental compensation proposed. g) the assessment matters for RUr.78.4 (subdivision - general). 	<p>RUr.79.5</p> <p>Subdivision in the Coastal Environment Overlay provides specific coastal related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.78. For subdivision in the Coastal Environment Overlay, subdivision consent is only required under RUr.79, unless other overlays also apply to the site.</p> <p>The rule requires that subdivision in this overlay be considered as a restricted discretionary activity recognising that the issues of concern in this Overlay are specific and able to be identified to give greater certainty to subdividers.</p> <p>It should be noted that there is an ability to increase the width, extent and location of proposed esplanade reserves where it is considered appropriate to mitigate the effects of the subdivision on the coastal environment. However, any proposal to reduce the esplanade reserve widths, extents or location beyond those required by Appendix 6, Table 6.2, will be considered a Discretionary Activity.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
RUr.80 Subdivision within the Landscape Overlay	RUr.80.1 Not a permitted activity in this Overlay.	RUr.80.2 Subdivision of land within the Landscape Overlay and detailed in Appendix 9 (landscape components and views) is a controlled activity if: a) it meets the standards in rule RUr.78 (subdivision - general), and b) it is accompanied by a landscape assessment by an appropriately qualified person which takes into account the guidelines in Appendix 7 (guide for subdivision and structures in the landscape overlay) and identifies any areas on which building should not occur because the landscape effects of a building cannot be mitigated in that area.. Control reserved over: i) the matters in rule RUr.78 (subdivision - general), with particular regard to the visual impacts of the subdivision and the likely structures that will be built on the subdivided land, and ii) retention of existing vegetation and other site features, and iii) extent and form of earthworks, and iv) the alignment and location of roads, the width of carriageways and planting of berms, and the alignment of road accesses with the land contours, and v) the size, shape and orientation of allotments, and vi) the location of any building site, and vii) location and design of utilities, and viii) location and type of planting for amenity and restoration, ix) changes to landform or landscape features, and x) views from roads and public reserves.	RUr.80.3 Any subdivision that contravenes a controlled standard is a discretionary activity if it is for the purposes of a network utility. Any other subdivision that contravenes a controlled standard is discretionary if: a) every allotment (other than an access allotment) complies with the minimum standards (as defined in Section 1.1.1 General) relating to stormwater and wastewater in sections 5 & 6 of the NCC Land Development Manual 2010, and b) the net area of allotments is greater than 1 ha in the Small Holdings Areas except where lots have been created for the purpose of access or network utilities. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> ^{05/01} Subdivision of land that is part of a papakainga development as defined Sch.P is a prohibited activity.
RUr.81 Subdivision within Heritage Overlays	RUr.81.1 Not a permitted activity in this Overlay.	RUr.81.2 not applicable	RUr.81.3 Subdivision of land containing any heritage feature is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> ^{05/01}
RUr.82 Subdivision within Natural Hazard Overlays	RUr.82.1 Not a permitted activity in this Overlay.	RUr.82.2 not applicable	RUr.82.3 Subdivision of land within Hazard Overlay areas is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u> ^{05/01}
RUr.83 Subdivision within the Conservation Overlay	RUr.83.1 Not a permitted activity in this Overlay.	RUr.83.2 Creation of lots for access or network utility purposes is controlled where they comply in all respects with the provisions of Rule RUr.78 (subdivision - general)	RUr.83.3 Subdivision of land within a Conservation Overlay is a discretionary activity. <u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoia Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities</u> ^{05/01}
RUr.84 Subdivision within the Grampians Slope Risk Overlay	RUr.84.1 Subdivision is not a permitted activity.	RUr.84.2 not applicable	RUr.84.3 Subdivision in the Grampian Slope Risk Overlay is discretionary.

^{05/01} Nelson North

Assessment Criteria	Explanation
<p>RUR.80.4</p> <ul style="list-style-type: none"> a) the extent of compliance with the guidelines in Appendix 7 (guide for subdivision and structures in the landscape overlay) relating to subdivision. b) the likely effects of subdivision on the landscape character as described in Appendix 9 (landscape components and views) given likely patterns of development and use. c) the pattern of existing land holdings and uses. d) the positioning of any likely building platforms. e) mitigation measures designed to minimise impacts particularly on ridgelines. f) effects of any other overlay or hazard. g) any environmental compensation proposed. h) the assessment matters for RUR.78.4 (subdivision - general). i) Landscape analysis of neighbourhood creation and cluster development separated by open space and landscaped areas in subdivision design, particularly in the Higher Density Small Holdings Area of Marsden Hills (Schedule V, Chapter 7) and Ngawhatu, to avoid the appearance of continuous sprawl of development in the more elevated parts of the site. 	<p>RUR.80.5</p> <p>Subdivision in the Landscape Overlay provides specific landscape related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78. For subdivision in the Landscape Overlay, subdivision consent is only required under RUR.80, unless other overlays also apply to the site.</p> <p>The Landscape Overlay areas are sensitive to development. This rule controls subdivision design recognising that the layout and design of roads, lots and vegetation in the subdivision has a strong influence over the final appearance of the built development.</p> <p>In the Ngawhatu Higher Density Small Holdings area, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</p> <p>In the Marsden Hills (Schedule V, Chapter 7) and Ngawhatu Higher Density Small Holdings Areas, which is subject to the Landscape Overlay, subdivision design options which create a limited number of small enclaves of development separated by significant landscaped/open space areas, are considered appropriate as they will influence the appearance of built development which follows.</p>
<p>RUR.81.4</p> <ul style="list-style-type: none"> a) the extent to which subdivision of the land is likely to adversely affect the values for which the item was listed and whether conditions on the use of the site are needed to avoid, remedy or mitigate this b) any proposed mitigation measures to ensure that the values of the listed item is not compromised. c) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that there are only minor environmental effects, or are not contrary to the Plan in recognition of the public benefits of protecting an item. d) the assessment matters for RUR.78.4 (subdivision - general). 	<p>RUR.81.5</p> <p>Subdivision in the Coastal Environment Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78. For subdivision in the Coastal Environment Overlay, subdivision consent is only required under RUR.81, unless other overlays also apply to the site.</p> <p>Making subdivision a discretionary activity where a heritage item, or a protected tree, is located on the land, provides more flexibility in the options that can be explored. It provides more scope to meet the owner's needs to use the site, and the needs of the wider community to preserve the item in question. The range of possible issues and solutions is too wide to be covered in a controlled activity rule.</p> <p>The aim in making subdivision in such cases discretionary is to find "win-win" situations where this is possible and reasonable, not to penalise the owner of the site.</p> <p>Heritage Overlay includes Archaeological Overlay. Refer to the definition of 'Heritage Overlay' in Chapter 2 (Meaning of Words). See also Policy DO4.1.11 (Incentive for Protection).</p>
<p>RUR.82.4</p> <ul style="list-style-type: none"> a) the extent to which the hazard can be avoided or mitigated. b) the likely pattern of use and development of any allotments created. c) the level of risk to which any future owners might be subjected. d) any mitigation measures proposed, including contingency measures such as alternative access. e) the assessment matters for RUR.78.4 (subdivision - general). 	<p>RUR.82.5</p> <p>Subdivision in the Natural Hazard Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78. For subdivision in the Natural Hazard Overlay, subdivision consent is only required under RUR.82, unless other overlays also apply to the site.</p> <p>Makes subdivision a discretionary activity where the land involved is subject to a natural hazard. The aim is to ensure that subdivision occurs in a way that hazards are avoided, or mitigated in an acceptable manner.</p>
<p>RUR.83.4</p> <ul style="list-style-type: none"> a) the effects on the values for which the area is listed given the likely pattern of land use following subdivision. b) any mitigation measures, such as formal protection, which are proposed. c) the extent to which trade-offs might be appropriate to ensure the values of the listed item are protected, providing that there are only minor environmental effects, or are not contrary to the Plan in recognition of the public benefits of protecting an item. d) any environmental compensation proposed. e) the assessment matters for RUR.78.4 (subdivision - general). 	<p>RUR.83.5</p> <p>Subdivision in the Conservation Overlay provides specific conservation related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78. For subdivision in the Conservation Overlay, subdivision consent is only required under RUR.83, unless other overlays also apply to the site.</p> <p>Makes subdivision a discretionary activity to enable each application to be assessed on its merits, to ensure that the values which are placed on the area are not compromised by inappropriate subdivision and development.</p>
<p>RUR.84.4</p> <ul style="list-style-type: none"> a) the risk to life, property and the environment posed by the natural hazard. b) the anticipated use of the site. d) whether the subdivision would create a site that was unusable. d) the assessment matters in Rule REr.107.4 (subdivision: general). 	<p>RUR.84.5</p> <p>Subdivision in the Grampians Slope Risk Overlay provides specific hazard related assessment matters in addition to those that would be applied to a subdivision consent application under RUR.78 General. For subdivision in the Grampians Slope Risk Overlay, subdivision consent is only required under RUR.84, unless any other overlays also apply to the site.</p> <p>See Rule RUR.61 (Grampian Slope Risk Overlay – Earthworks).</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p>RUr.85 Services Overlay</p> <p>Subdivision within the Services Overlay</p>	<p>RUr.85.1 Subdivision is not a permitted activity.</p>	<p>RUr.85.2 not applicable</p>	<p>RUr.85.3 Subdivision in the Services Overlay, is a restricted discretionary activity, if:</p> <ul style="list-style-type: none"> a) it complies with all the controlled activity terms in Rule RUr.78.2 a) to h), and b) the development is provided with reticulated water, stormwater and wastewater services. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (i) the matters of control under RUr.78.2, and (ii) the extent of consistency with the Council's strategic planning for the servicing of sites within the district as identified in the LTP, and the timing of the development in relation to the availability of roading and service connections (iii) ensuring adequate capacity is provided to serve the future development level of the site and surrounding land in the Services Overlay as provided for by zone standards, and (iv) ensuring the proposal provides for future roading and servicing connections to adjoining land in the Services Overlay. <p>Resource consent for restricted discretionary activities will be considered without notification.</p> <p>Discretionary Activity Activities that contravene the restricted discretionary activity standards are discretionary.</p> <p><u>Any subdivision in the Rural Zone or Low Density Small Holdings Area located between The Glen Road (including all areas east of The Glen Road) and Whangamoa Saddle which does not meet the controlled activity minimum lot sizes is a non-complying activity, except where lots have been created for the purpose of access or network utilities.</u>^{05/01}</p>

Assessment Criteria	Explanation
<p>RUr.85.4</p> <ul style="list-style-type: none"> a) whether the disposal of storm water or wastewater from the site, or supply of water, can be done effectively without risk to human health or the environment, natural hazards or adjoining properties. b) the matters in the NCC Land Development Manual 2010. c) the assessment matters in Rule RUr.78.4 (Subdivision: General). d) the timing of the development in relation to the availability of roading and servicing connections. e) the extent to which the development is provided with services of adequate capacity to serve the future development level of the site and surrounding sites. f) the financial costs to Council (including operation and maintenance costs) of providing water and wastewater services to the development. g) whether the building or development can provide for on site servicing for the building or development in accordance with FWr.12 , FWr.14, FWr.25 and FWr.29. 	<p>RUr.85.5</p> <p>Subdivision in the Services Overlay provides specific services related assessment matters in addition to those that would be applied to a subdivision consent application under RUr.79 General. For subdivision in the Services Overlay, subdivision consent is only required under RUr.85, unless any other overlays also apply to the site.</p> <p>Subdivision in the Services Overlay is a restricted discretionary activity where it proposes to connect to public reticulated. This provides a limitation on the range and type of conditions that can be imposed, relevant to particular sites and circumstances. It also allows the option of declining a subdivision if the site or the development is unsuitable or servicing of the site is considered insufficient or unsustainable for Council.</p> <p>On site servicing will be considered as a discretionary activity.</p> <p>The areas defined on the Planning Maps include areas where the provision of services to subdivisions is not straightforward or where the allotment size, topography and orientation mean that it will be difficult to accommodate on site wastewater treatment and disposal. There may be constraints on the capacity of existing systems, or the area may need filling in order to get the necessary fall for stormwater or wastewater drainage. Special regard also has to be had to the roading pattern, to avoid precluding future development of other areas, as well as ensuring that the capacity of services has regard to the development potential of neighbouring land in the Services Overlay.</p> <p>In other cases, the area may be above the contour to which the Council can supply water, where the landowner would have to provide their own supply. Such situations are a discretionary activity. The Council wishes to avoid a proliferation of small individual systems, and will be looking for proposals that integrate with other developments, and have the ability to serve a wider area.</p> <p>There are also areas where services can be supplied, but where additional conditions may apply eg. an additional financial contribution towards the cost of a special water supply, or special conditions regarding the point where the public supply may be accessed.</p> <p>Refer to Policy DO14.3.1 Roading and DO14.3.2 Drainage, Water and Utilities for direction in terms of when Council will fund infrastructure provision to sites, or when the infrastructure provision shall be funded by the developer.</p> <p>The Council's Infrastructure Division holds copies of maps which define the servicing constraints in more detail.</p> <p>Note: The capacity of the drain or wastewater network means the capacity of the length of the drain from the site to, and including, its outfall to a water body, coastal water or treatment facility.</p>

freshwater rules

Refer Appendix AP28.9 for freshwater rules.

Schedule Rural Zone

Sch.I Marsden Valley

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

Schedule Rural Zone

Sch.P Papakainga development

P.1 Application of the schedule

Papakainga development is provided for as a scheduled activity in the Rural Zone. No specific sites are shown on the Planning Maps. Any land that meets the criteria set out in the Rules is eligible for use as a papakainga (eg. if it is vested in Trustees, is not able to be on-sold, and so forth). Small papakainga developments are permitted activities if they comply with the permitted conditions. Larger developments are controlled activities, meaning a resource consent is required. This must be granted but conditions can be imposed on the consent. Where the criteria (conditions or standards and terms) cannot be met for a permitted or controlled activity, the development is discretionary. The Schedule relates to rule RUr.49.

P.2 General rule

For the purposes of this schedule, any reference to a boundary of a site in the Rural Zone rules is to be the boundary of the total land area subject to the papakainga development.

P.3 Permitted activities (less than 10 residential units, on 10 ha or more)

Papakainga development is permitted if:

- a) the land is held in multiple ownership and vested in a Trust, constituted under Part XII of Te Ture Whenua (Maori Land Act) 1993 or any other legislation with like effect, whose authority is defined in a Trust Order or other empowering instrument which will ensure that:
 - i) the land remains vested in the trustees or the incorporation without power of sale; and
 - ii) the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust; and
 - iii) the land is unable to be subdivided or otherwise removed from the effect of the trust, and
- b) a copy of the certificate of title, and the Trust Order or empowering instrument is provided to the Council at the time building consents are lodged, and
- c) there are not more than 10 residential units on the land concerned, or the gross floor area of buildings does not exceed 2500m², and
- d) the minimum site area is 10ha, and
- e) the development complies with the permitted conditions for the Rural Zone, except the rules RUr.33 (site coverage), and except that more than one residential unit is permitted per site.

Where the papakainga development does not comply with any of the above conditions, it is a discretionary activity.

P.4 Controlled activities

Papakainga development is controlled, if:

- a) the land is held in multiple ownership and vested in a Trust, constituted under Part XII of Te Ture Whenua (Maori Land Act) 1993 or legislation to like effect, whose authority is defined in a Trust Order or other empowering instrument which will ensure that:
 - i) the land remains vested in the trustees or the incorporation without power of sale, and
 - ii) the possession and/or beneficial interest on the land is restricted to the beneficiaries of the Trust.
 - iii) the land is unable to be subdivided or otherwise removed from the effect of the trust, and

- b) there are more than 10 residential units on the land concerned, or the gross floor area of buildings exceeds 2500m², and
- c) the minimum site area is 10ha, and
- d) the development complies with the permitted conditions for the Rural Zone, except the following rules: Site Coverage; Archaeological Sites; and all Overlay Rules, and except that more than one residential unit is permitted per site, and
- e) the application is accompanied by a Development Plan for the land concerned, and a copy of the certificate of title, and the Trust Order or empowering instrument.

The Development Plan must indicate:

P4.1

The broad resource management principles to be applied in the papakainga area. (For illustrative purposes, such principles might include statements along these lines:

“landscapes identified as being sensitive should be managed to reduce adverse impacts on them.”

“any adverse impacts should be contained within the site i.e. effects on neighbouring landowners should be minimised.”)

P4.2

The details of the proposed development, including:

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

In granting the consent, control is reserved over:

- i) the resource management principles to be applied on the site, and
- ii) soil erosion and sedimentation, and
- iii) stormwater management, and
- iv) provision of services, and
- v) appropriate vehicle access, and
- vi) landscaping of the site to control any adverse visual effects, and
- vii) taking of water and discharging of water and contaminants, and
- viii) impacts on the broader landscape, including any remedial or other measures proposed, and
- ix) risk from floods, and
- x) impacts on area of significant conservation areas, and
- xi) bonds or covenants to restrict ownership and sale of land, and
- xii) whether the resource consent attaches to the land, excluding any subsequent owners, in terms of section 134 of the Act.

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

Consent granted for papakainga development will apply to the total land holding in the application. Development of the land may proceed in accordance with the approved Development Plan without requiring further consent. Changes or additions to the approved Development Plan, except for minor variations, require a further consent application.

P.5 **Discretionary activities**

The following are discretionary activities:

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

P.6 **Assessment criteria**

Regard will be had to the relevant Assessment Criteria in the Rural Rule Table.

P.7 **Explanation**

In accordance with the principles of the Treaty of Waitangi and Part II of the Act, provision is made for a high degree of self management of communally-owned land. The papakainga provisions can apply to other communal housing development provided it can satisfy the papakainga criteria. It is anticipated that papakainga provisions will be of most relevance to communal housing developed by iwi on Maori customary land (or on other Maori owned land) vested in trusts constituted under Part XII of the Te Ture Whenua (Maori Land Act) 1993.

Strict criteria apply to the land that is eligible for papakainga development. There is also a requirement that the land is not able to be sold or subdivided, since the flexible style of development provided by this schedule is targeted specifically to meet the needs of land held in multiple ownership. If the property could be subdivided or on-sold this could lead to substantial non-compliance with the Plan and uses of the land that are unsuited to this style of development.

Tight controls are retained over effects at the boundary of the papakainga development to protect the amenity of neighbouring sites, and the general public.

Schedule Rural Zone

Sch.Q Flaxmore Quarry - Market Road

Q.1 Application of the schedule

This schedule applies to the site shown as Sch.Q on Planning Map 24, (Lot 2 DP 3684), Market Road. The Schedule relates to rule RUr.74.

Q.2 General rule

When quarry activity ceases on the scheduled site, the Rural Zone provisions will apply in all respects, and this schedule will cease to have effect.

For activities other than quarry activity as described under Q.3 below, the normal provisions of the Rural Rule table apply.

Q.3 Permitted activities

The following are permitted activities in the schedule site if they comply with the conditions set out below:

- a) Quarry activity, including drilling and blasting rock, operation of equipment such as bulldozers, excavators, loaders, crushers, screens, generators, pneumatic rock hammers and trucks entering and leaving the site, and a site building and toilet facilities and supply of services which may include mains power, mains water supply, storage of water, and settlement ponds, and
- b) Storage of fuel for use in the quarry activity

Buildings & structures	<ol style="list-style-type: none"> a) One building on the site, not exceeding 60m² gross floor area, and 4m in height. Not more than 2 portable toilets. b) Water storage tanks not exceeding 500,000 litres gross in total. c) Settlement ponds not exceeding 500,000 litres gross. d) Supply of mains power and water. 								
Screening	Trees shall be planted to provide a screen along the road boundary to create a 2m wide line of trees of minimum height of 1.8m (at maturity).								
Blasting	<p>At least 24 hours prior to any blasting:</p> <ol style="list-style-type: none"> a) oral or facsimile notification must given to the Principal Environmental Officer, Nelson City Council, and b) written notification must be given to property owners and occupiers in Market Road (within the Residential Zone), Waimea Road (from No.223 to the Bowling Club), Brunner St (up to No. 69 and the right of way), Bishopdale Avenue, Clifford Avenue, Flaxmore Place, and Burton Way. All reasonable steps shall be taken to ensure fly rock generated by blasting remains on the scheduled site. 								
Dust control	Open areas of land and stockpiles of materials must be contained or maintained to prevent the creation and dispersal of dust beyond the scheduled site.								
Noise	<p>Excluding blasting, and transport vehicles hauling to and from the scheduled site:</p> <ol style="list-style-type: none"> a) Noise levels measured at, or within the boundary of any site <ol style="list-style-type: none"> i) within the Residential Zone must not exceed: <table style="margin-left: 20px;"> <tr> <td>Day Time</td> <td>L10: 55 dBA</td> </tr> <tr> <td>Other Times</td> <td>L10: 45 dBA and Lmax 75 dBA</td> </tr> </table> ii) within the rural zone must not exceed <table style="margin-left: 20px;"> <tr> <td>Day time</td> <td>L10: 65 dBA</td> </tr> <tr> <td>Other Times</td> <td>L10: 45 dBA and Lmax: 75 dBA</td> </tr> </table> <p>Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.</p> <p>All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound).</p>	Day Time	L10: 55 dBA	Other Times	L10: 45 dBA and Lmax 75 dBA	Day time	L10: 65 dBA	Other Times	L10: 45 dBA and Lmax: 75 dBA
Day Time	L10: 55 dBA								
Other Times	L10: 45 dBA and Lmax 75 dBA								
Day time	L10: 65 dBA								
Other Times	L10: 45 dBA and Lmax: 75 dBA								
Vibration	No vibration created on the schedule site may be discernible at any residential site, except for short term blasting activity.								

Q.4 Discretionary activities

The following are discretionary activities:

- a) Quarry activities that contravene a permitted condition in this schedule (Note Q.2 above)

Q.5 Assessment criteria

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

- a) the ability to mitigate any adverse effects by additional landscaping or screening
- b) the nature and timing of noise and its likely effects, and any proposals to mitigate these effects
- c) any risk to human life or property
- d) the hours of operation of the proposed activity
- e) the type and volume of any materials to be stored on the site, and any other means of screening
- f) the visual impacts, having particular regard to any adverse effects on views from residential areas
- g) any cumulative effects on adjacent residential sites

Q.6 Explanation

The quarry has been operating on the site for decades and therefore has existing use rights. Housing has encroached progressively closer to the quarry, creating the potential for conflicts between the operation of the quarry and the residential amenity.

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

Schedule Rural Zone

Sch.R York Valley Quarry

R.1 Application of the schedule

This schedule applies to the site shown as Sch.R on Planning Maps 24, 25 and 55 in the upper Brook Valley. This Schedule relates to rule RUr.75.

R.2 General rule

When quarry activity ceases on the scheduled site, the normal Rural Zone provisions will apply in all respects, and this schedule will cease to have effect.

For activities other than those described under R.3 below, the normal provisions in the rural zone table apply.

R.3 Permitted activities

The following are permitted activities in the schedule site if they comply with the conditions set out below:

- a) Quarry activity, including drilling and blasting rock, operation of equipment such as bulldozers, excavators, loaders, crushers, screens, generators, pneumatic rock hammers and trucks entering and leaving the site, and site buildings and toilet facilities and supply of services which may include mains power, mains water supply, storage of water, and settlement ponds, and
- b) Storage and sale of explosives, and
- c) Storage of fuel for use in the quarry activity.

Structures	Buildings which comply with the Rural Rules. Water storage tanks not exceeding 500,000 litres gross in total. Settlement ponds not exceeding 500,000 litres gross. Supply of mains power and water.
Screening	The quarry activity must not be visible from the Brook Street/Robinsons Road area.
Blasting	At least 24 hours prior to any blasting: oral or facsimile notification must be given to the Principal Environmental Officer, Nelson City Council. notification must be given to property owners and occupiers within 400m of the blast site. For any sites in the Residential Zone, written notification must be provided. For sites in the Rural Zone, oral notice is sufficient. All reasonable steps shall be taken to ensure fly rock generated by blasting remains on the scheduled site.
Dust Control	Open areas of land and stockpiles of materials must be contained or maintained to minimise the creation of dust and to prevent its dispersal beyond the scheduled site.
Noise	Excluding blasting, and transport vehicles hauling to and from the scheduled site: a) Noise levels measured at, or as close as practicable to, the boundary of any other site must not exceed: Day Time L10: 65 dBA (Rural Zone sites) L10: 55 dBA (Residential Zone sites) Other Times L10: 45 dBA Lmax: 75 dBA b) Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. c) All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound).
Vibration	No vibration created on the schedule site may be discernible at any residential site, except for short term blasting activity.

R.4 Discretionary activities

The following are discretionary activities:

Activities listed as permitted that contravene a permitted condition in this schedule (note R.2 above)

R.5 Assessment criteria

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

- a) the ability to mitigate any adverse effects by additional landscaping or screening
- b) the nature and timing of noise and its likely effects, and any proposals to mitigate these effects
- c) any risk to human life or property
- d) the hours of operation of the proposed activity
- e) the type and volume of any materials to be stored on the site, and any other means of screening
- f) the visual impacts, having particular regard to any adverse effects on views from residential areas, and on the landscapes and views defined in Appendix 9 (landscape components and views)
- g) any cumulative effects

R.6 Explanation

The quarry has been operating on the site for a considerable time under existing use rights. Scheduling the site creates more certainty for the quarry and neighbouring landowners than operating solely on existing use rights. The permitted conditions provide for a range of activities to occur without the need to obtain a resource consent, while ensuring amenity and other considerations are addressed. The schedule on the Planning Maps and in the text provides information for people as to the existence of the quarry and the controls that apply to it.

Schedule Rural Zone

Sch.S Marsden Quarry

S.1 Application of the schedule

This schedule applies to the site shown as Sch.S (S1 and S2) on Planning Map 34, 54 and 55 in the upper Marsden Valley. This Schedule relates to rule RUr.76.

S.2 General rule

When quarry activity ceases on the scheduled site, the normal Rural Zone provisions will apply in all respects, and this schedule will cease to have effect.

For activities other than activities described in S.3, S.4 and S.5 below, the normal provisions in the Rural Zone Rule Table apply.

S.3 Permitted activities

The following are permitted activities on Schedule Site S1 if they comply with the conditions set out below:

- a) Quarry activity, including drilling and blasting rock, operation of equipment such as bulldozers, excavators, loaders, crushers, screens, generators, pneumatic rock hammers and trucks entering and leaving the site, and site buildings, weighbridge and toilet facilities and supply of services which may include mains power, mains water supply, storage of water, and settlement ponds, and
- b) Storage of explosives, and
- c) Storage of fuel for use in the quarry activity

Structures	<p>Equipment and tool shed not exceeding 17m². Office and staff room together with ablutions with a total floor area not exceeding 22m². Magazine with a total floor area not exceeding 1.5m². Water storage tanks not exceeding 500,000 litres gross in total. Settlement ponds not exceeding 500,000 litres gross. No buildings or structures are to be located within 50m of the eastern boundary of Marsden Valley Road.</p>								
Blasting	<p>All blasting shall be carried out between the hours of 7am and 9am, or between the hours of 3:30pm and 6pm, on any day excluding Sundays and Statutory Holidays. All reasonable steps shall be taken to ensure fly rock generated by blasting remains on the scheduled site.</p> <p>At least 24 hours prior to any blasting:</p> <ol style="list-style-type: none"> a) oral or facsimile notification must be given to the Divisional Manager, Planning and Consents, Nelson City Council, and b) notification must be given to property occupiers within 400 m of the blast site, eg. by letter drop. 								
Noise	<p>Excluding blasting, and transport vehicles hauling to and from the scheduled site:</p> <ol style="list-style-type: none"> a) Noise levels measured at, or as close as practicable to, the boundary of any other site must not exceed: <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Day Time</td> <td>L10: 65 dBA (Rural Zone sites)</td> </tr> <tr> <td></td> <td>L10: 55dBA (Residential Zone sites)</td> </tr> <tr> <td style="padding-right: 20px;">Other Times</td> <td>L10: 45 dBA</td> </tr> <tr> <td></td> <td>Lmax: 75dBA</td> </tr> </table> b) Day time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. <p>All measurements and assessment in accordance with NZS 6801:1991 (Measurement of Sound) and NZS 6801:1991 (Assessment of Environmental Sound).</p>	Day Time	L10: 65 dBA (Rural Zone sites)		L10: 55dBA (Residential Zone sites)	Other Times	L10: 45 dBA		Lmax: 75dBA
Day Time	L10: 65 dBA (Rural Zone sites)								
	L10: 55dBA (Residential Zone sites)								
Other Times	L10: 45 dBA								
	Lmax: 75dBA								
Dust control	<p>Open areas of land and stockpiles of materials must be contained or maintained to minimise the creation and dispersal of dust beyond the scheduled site.</p>								
Vibration	<p>No vibration created on the schedule site may be discernible at any residential site, except for short term blasting.</p>								

S.4 Controlled activities

Any activity that meets the conditions of S.3 above is a controlled activity on Schedule Site S2. Control reserved over:

- i) the visual impacts, having particular regard to any adverse effects on views from residential areas, and on the landscapes and views defined in Appendix 9 (landscape components and views), and
- ii) landscaping and visual mitigation, and
- iii) rehabilitation of redundant areas of the quarry site, and
- iv) production of a Quarry Management Plan, and
- v) slope stability, soil erosion and sedimentation, and
- vi) water quality.

S.5 Discretionary activities

The following are discretionary activities:

- a) Activities listed as permitted that contravene a permitted condition in this schedule

Note S.2 above.

S.6 Assessment criteria

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

- a) the ability to mitigate any adverse effects by additional landscaping or screening
- b) the nature and timing of noise and its likely effects, and any proposals to mitigate these effects
- c) any risk to human life or property
- d) the hours of operation of the proposed activity
- e) the type and volume of any materials to be stored on the site, and any other means of screening
- f) the visual impacts, having particular regard to any adverse effects on views from residential areas, and on the landscapes and views defined in Appendix 9 (landscape components and views)
- g) the potential for slope failure
- h) damage to structures or adjoining properties
- i) soil and vegetation entering rivers and coastal water
- j) damage to instream habitats
- k) adverse effects on catchment stream flow
- l) duration of bare soil to wind and rainfall
- m) water quality, including suspended sediment load and increased stream bed load
- n) the provision of structures to control soil erosion or sedimentation
- o) the timing and techniques used for revegetation
- p) the long term management of the land cleared
- q) the provision of appropriate resources to ensure that adverse effects arising from emergency or unforeseen circumstances are controlled or mitigated
- r) any cumulative effects

S.7 Explanation

The quarry has been operating on the site for a considerable time under consent. Scheduling the site creates more certainty for the quarry and neighbouring landowners than operating solely on existing use rights. The permitted conditions provide for a range of activities to occur on Schedule site S1 without the need to obtain a resource consent, while ensuring amenity and other considerations are addressed. This area was subject to an existing resource consent. Schedule site S2 provides for the continuation of quarrying activities but with control reserved over a number of matters relating to landscape, roading and water and soil issues. The schedule on the Planning Maps and in the text provides information for people as to the existence of the quarry and the controls that apply to it.

Schedule Rural Zone

Sch.W Enner Glynn and Upper Brook Valley

W.1 Application of the schedule

This schedule applies to the area shown as Sch.W on Planning Maps 28, 31 and 55 within Enner Glynn and Upper Brook Valleys, being that area generally bounded to the south by Schedule I 'Marsden Valley', east by the Rural Zone (Barnicoat Range), north by the York Valley, and west by the existing Residential Zone boundary.

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

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

W.2 General rules

- a) Subdivision design shall generally accord with the Structure Plan contained in Schedule W Figure 1.
- b) No buildings are permitted within Biodiversity Corridors (see Meanings of Words, Chapter Two) as indicatively shown on Schedule W Figure 1.
- c) Biodiversity Corridor locations shall generally accord with that shown on the Structure Plan contained in Schedule W Figure 1. Biodiversity Corridors (see definition Chapter 2, Meaning of Words) shall consist of:
 - i) existing native and/or exotic vegetation, or
 - ii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type as proposed in a planting and maintenance plan forming part of any application for subdivision consent, or
 - iii) predominantly eco-sourced native vegetation indigenous to the area and ecosystem type to be planted to replace any existing vegetation removed from within the corridor;except that:
 - iv) the formation and maintenance of walkways, cycleways, and the construction and maintenance of utility service lines and their structures are permitted within the Biodiversity Corridor provided they cross the corridor more or less at right angles, and
 - v) the formation and maintenance of walkways and cycleways may also run along the corridor provided a corresponding increase in width is provided, and
 - vi) the formation and maintenance of roads and required property accesses, where there is no practicable alternative, may transect any Biodiversity Corridor provided that they cross the corridor more or less at right angles, and
 - vii) in the case of ii) and iii), exotic vegetation may be used as a nursery crop for the purpose of assisting with the establishment of the native vegetation referred to.

W.3 Restricted discretionary activities

Reduction in width of a Biodiversity Corridor below the minimum of 20m (as specified by definition in Chapter 2 'Meaning of Words') is a restricted discretionary activity.

Discretion restricted to:

- i) the effect of any reduction in width on the functions of the Biodiversity Corridor as identified in Policy Explanation and Reasons DO5.1.2.ii (Chapter 5 District Wide Objectives and Policies)

W.4 Discretionary activities

Any activity which does not meet one or more of the performance standards in Schedule W.2 a - c) 'General Rules' is a Discretionary activity. This is aside from that relating to widths of Biodiversity Corridors provided for in W.3. Any activity in the scheduled area will also be assessed under the relevant rules as they apply to the zone and overlays in which the activity is located, with the most stringent activity status being applicable to the application. In determining whether to refuse consent, or grant consent subject to conditions, the consent authority will have regard to relevant assessment criteria listed in W.6.

W.5 Subdivision

The general rules set out in W.2 shall apply to subdivision applications. The relevant provisions of the Plan's Residential and Rural Zone rule tables shall also apply individually to land within those zones. A subdivision application will take on the most stringent activity status as determined by the relevant rules triggered whether they are from this Schedule or the relevant zone rule table. Relevant assessment criteria listed in W.6 apply to all subdivision consent applications within the scheduled area.

W.6 Assessment criteria

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

- i) the extent to which any proposal and/or development is in general accordance with Schedule W and with associated Structure Plan (Schedule W Figure 1).
- ii) ability to cluster development to mitigate visual amenity in the Rural Zone - Higher Density Small Holdings Areas.
- iii) opportunities to mitigate any cross-boundary effects.
- iv) the required width of Biodiversity Corridors; including the effect of any reduction in width on the functions of Biodiversity Corridors.
- v) the proposed ownership, maintenance and management regime for Biodiversity Corridors and 'greenspace' areas, and the effect different alternatives have on subdivision layout and design, and on the values of those spaces.
- vi) compliance with the relevant local and national legislation in relation to existing high voltage transmission lines.
- vii) any assessment criteria for other relevant rules triggered by a proposal or referred to in this schedule under cross-reference to the appropriate zone rule table also apply.

The Nelson Urban Growth Strategy 2006 (NUGS) identified the Stoke Foothills, between the residential boundary and the Barnicoat Range, as being generally suitable for accommodating some of the future residential growth of Nelson.

The Ngawhatu and Marsden Valleys, and intervening land south, and to the boundary of Enner Glynn, has, or is, in the process of being zoned for residential or rural small holdings use. The provision of Structure Plans, the purpose of which is to guide and achieve the integrated management of the effects of development, has been common to those planning outcomes, including as they provide for linkages between neighbourhoods and the valley catchments. Schedule W completes the structure plan process for land between the Ngawhatu and the Upper Brook Valleys.

Landscape values, topography, rural amenity and regionally significant quarry and landfill resources have been the key determinants of the potential of this area to accommodate growth. The Residential Zone in the Upper Brook Valley has been retained, and in the Enner Glynn Valley the existing Residential Zone Boundary has been expanded to include land at the top of Panorama Heights, near the entrance to the valley and adjoining Marsden Valley (Schedule I) in the upper part of the Valley. A majority of the land in Schedule W is Rural Zone - Higher and Lower Density Small Holdings Area, providing an opportunity for a combination of higher and lower density rural small holding properties.

The regionally significant resources of the landfill and quarry are located in close proximity to the Upper Brook Valley and the York Valley/Enner Glynn Ridge and the potential for reverse sensitivity and cross boundary effects to occur have been recognised. To reduce the potential for these effects to occur, rural zoning has been retained in the Upper Brook Valley and along the York Valley/Enner Glynn Ridge so there is no increase in the development potential of this land adjacent to, and overlooking, the quarry and landfill. In addition the walkway/cycleway required by the structure plan (through rule W.2a) to connect the Brook/Enner Glynn Saddle to Brook Street does not have an indicative route shown. The reason for this is to ensure increased flexibility in the final choice of a suitable route. Route selection will take into account reverse sensitivity with, and effects on, the York Valley Quarry in particular as per Policy RU1.3, Rural subdivision assessment criteria RUr.78.4 p) and the relevant explanations under Chapter 3, AD11.4A.

This Schedule and Structure Plan are to ensure that residential and rural small holdings development provided for in the Enner Glynn and Upper Brook Valleys progresses in a manner that achieves an integrated and planned system of walkways, roading, Biodiversity Corridors and servicing across and between properties and valleys in and adjoining the Structure Plan area.

