

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 25

Technical Fixes

Proposed Plan Amendments

Notification Date

25 September 2010

Submissions Close

5pm Friday 3 December 2010



1.0 Introduction (*not part of the Plan Change*)

1.1 Background and development

This plan change consists of six parts as described below. These plan changes improve consistency of wording, and address a number of interpretation issues which have created difficulties for plan users.

1.2 Description of the proposed Plan Change

Plan Change 25.1 – Hazardous substances

A change is required to Appendix 21 (hazardous substances) to reflect the update of a NZ Standard since the Plan became operative. AS/NZS 1596:2008 The storage and handling of LP Gas has replaced the former standard, the AS/NZS 1596:1997 Storage and Handling of LP Gas.

This is an externally referenced document to the NRMP. In accordance with clause 34 of the First Schedule of the RMA, copies of the Standard have been made available for inspection at the Council during working hours and a public notice has been advertised stating the material is available, where and how copies can be purchased, and inviting comments on the proposal to incorporate this standard in the NRMP.

This plan change also corrects two inconsistencies between the total effects ratios rule (shown in Table 21.2.4) and the reasons for the industrial zone effects ratio (AP21.4.16).

Plan Change 25.2 – Noise

This change corrects an inconsistency in the noise rule in three zones (REr.43, ICr.42 and SCr.36). REr.43.3, ICr.42.3 and SCr.36.3 state activities that contravene a permitted condition are discretionary. The Explanations in REr.43.5, ICr.42.5 and SCr.36.5 incorrectly state that noise in excess of the permitted standard will be assessed as a non-complying activity. The plan change deletes this sentence from the Explanations.

Plan Change 25.3 – Tahunanui Slump Slope Risk Overlay

The change amends the rule (REr.76) controlling heavy structures in the Tahunanui Slump Slope Risk Overlay, to include control over reductions in structure weight as well as increases. This change has been made because weight reductions can also impact on slope stability.

Plan Change 25.4 – Soil disturbance, earthworks and vegetation clearance

The change amends the soil disturbance rules in three zones (REr.60, OSr.48 and RUr.26), earthworks rules in seven zones (REr.61, ICr.55, SCr.48, INr.54, OSr.49, RUr.27 and COr.25) and the vegetation clearance rules in four zones (REr.59, OSr.47, RUr.25 and COr.25) to require remediation of bare soil areas as soon as practicable but no later than six months after the soil disturbance has occurred, rather than allowing soil to remain bare for up to 12 months. This change has been made to reduce the risk of erosion and soil sedimentation occurring after earthworks.

Plan Change 25.5 – Definitions

This change:

- a) amends the wording of the road boundary definition to improve consistency with other, related definitions in the NRMP (with no change in effect).
- b) adds a definition for 'drip line' (around trees) to provide more certainty in the implementation of rules REr.95, ICr.68, SCr.65, INr.67, OSr.70 and RUr.70 (Activities within the dripline of a Heritage or Landscape Tree identified in Appendix 2).
- c) amends the defensible space definition by allowing for a lesser area to apply if this has been approved in writing by the Principal Rural Fire Officer.
- d) amends the 'net area' definition to simplify it.
- e) adds a definition for 'predominant slope'. This term is used in the soil disturbance rule to determine activity status (less than 25 degrees from horizontal is a permitted activity, 35 degrees or less is a controlled activity, and a greater slope is a discretionary activity). It is therefore important to clearly define how to determine this slope.
- f) amends the definition for 'revegetation' to remove the reference to 60% coverage of soil surfaces.

Plan Change 25.6 – Landscape rules in the Rural Zone

The changes to the landscape rules in the Rural Zone improve the link between the controlled activity rules controlling structures (RUr.54), earthworks (RUr.56) and subdivision (RUr.80) within the Landscape Overlay, and Appendix 7 (guide for subdivision and structures in the landscape overlay).

Definitions for construction and erection have been added, to provide certainty that these terms include the relocation of a building or structure. This activity has similar effects to construction and erection of new buildings and structures.

1.3 Format of the Plan Change provisions

For the ease of the reader the full text of provisions to be changed have been used in this document.

The reader should be aware that current operative provisions that are not proposed to be changed are unable to be submitted upon.

Within this Plan Change:

- 'Normal' text applies to current operative provisions to remain unchanged.
- 'Underline' text applies to proposed new provisions.
- '~~Strikethrough~~' text applies to operative provisions proposed to be deleted or amended as described.
- '*Italic*' text applies to instructions.

Plan Change 25: Proposed Amendments to the Nelson Resource Management Plan (Statutory Provisions)

Plan Change 25.1 – Hazardous substances

Amend the wording in AP21.4.16.ii as follows:

Ap21.4.16.ii The Industrial Zone at the Port, Tahunanui, Nayland Road South and the Airport have an effects ratio of 0.75. This permits storage of 22,500 litres of diesel, 7,500 litres of petrol, or 750 litres of an environmentally highly toxic substance. The Vanguard St and ~~Nayland Rd South~~ Industrial areas area receive ~~has~~ a rating of ~~0.25 and 0.5 respectively~~ 0.2. The Vanguard St area is in the vicinity of Residential and Inner City Zones, and it is desirable to minimise hazardous substances use in this area as much as possible. ~~The Nayland South Industrial area comprises mainly food processing industries, which generally are not compatible with industry manufacturing or using large quantities of hazardous substances. However, food processing industries have hazardous substances requirements for transportation and refrigeration."~~

Amend wording in AP21.3.2.ii and AP21.3.2.iii as follows:

AP21.3.2.ii Storage of LPG in cylinders, provided it can be demonstrated that ~~"AS/NZS 1596:1997 Storage and Handling of LP Gas"~~ AS/NZS 1596:2008 The storage and handling of LP Gas" is adhered to.

AP21.3.2.iii Storage of up to 6 tonnes (single vessel storage) of LPG in a receptacle of a liquid capacity greater than 250l, provided it can be demonstrated that ~~AS/NZS 1596 Storage and Handling of LP Gas"~~ "AS/NZS 1596:2008 The storage and handling of LP Gas " is adhered to.

Plan Change 25.2 - Noise

Delete the following sentence from REr.43.5:

~~"As noise has a major influence on the amenity of an area, any proposal for noise in excess of the permitted standard will be assessed as a non-complying activity."~~

Delete the following sentence from ICr.42.5 and SCr.36.5:

~~Noise has a major influence on the amenity of an area. For this reason any proposal for noise in excess of the permitted standard will be assessed as a non-complying activity where it affects a Residential Zone.~~

Plan Change 25.3 – Tahunanui Slump Slope Risk Overlay

Amend REr.76.1 as follows:

Within the Tahunanui Slump Core Risk Overlay, and the Tahunanui Slump Fringe Slope Risk Overlay:

- a) any structure must not change the loading ~~add a load to the site of greater~~ by more than 1000 kg (including any structure with a storage capacity in excess of 1000 litres of liquid, such as a swimming pool).

Plan Change 25.4 - Soil disturbance, earthworks and vegetation clearance

Soil disturbance rules

Amend REr.60.1d), OSr.48.1d) and RUr.26.1d) as follows:

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 revegetated or otherwise protected from soil erosion as soon as practicable and not later than 12 months from the date of the earthworks.

Amend REr.60.2c), OSr.48.2c), RUr.26.2c) as follows:

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 revegetated or otherwise protected from soil erosion as soon as practicable, and not later than 12 months from the date of the earthworks.

Earthworks rules

Amend REr.61.1f), ICr.55.1f), SCr.48.1f), INr.54.1f), OSr.49.1f) and RUr.27.1f) as follows:

All bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:

- ii) stabilised so that no earth moves off-site or presents a danger to life or property; and
- iii) vegetated, paved, metalled or built over, and revegetated or otherwise protected from soil erosion as soon as practicable, and not later than 12 months from the date of the earthworks.

Amend REr.61.2e), ICr.55.2e), SCr.48.2e), INr.54.2e), OSr.49.2e), and RUr.27.2e) as follows:

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:

- iii) stabilised so that no earth moves off-site or presents a danger to life or property; and
- iv) vegetated, paved, metalled or built over, and revegetated or otherwise protected from soil erosion as soon as practicable, and not later than 12 months from the date of the earthworks.

Vegetation clearance rules

Amend REr.59.1d), OSr.47.1d), RUr.25.1d) and COr.25.1e) as follows:

All bare soil areas are, as soon as practicable but no later than six months from the date of disturbance:

- iv) stabilised so that no earth moves off-site or presents a danger to life or property; and
- v) vegetated, paved, metalled or built over, and revegetated or otherwise protected from soil erosion as soon as practicable, and not later than 12 months from the date of the earthworks.

Amend REr.59.2c), OSr.47.2c) and RUr.25.2c) as follows:

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:

- v) stabilised so that no earth moves off-site or presents a danger to life or property; and
- vi) vegetated, paved, metalled or built over, and

~~–revegetated or otherwise protected from soil erosion as soon as practicable, and not later than 12 months from the date of the earthworks.~~

Plan Change 25.5 - Definitions

In Chapter 2 (Meaning of Words) amend the road boundary definition as follows:

Road boundary means any boundary of a site abutting a legal road, including a common vehicle access serving ~~five or more~~ than four actual or potential residential units.

In Chapter 2 (Meaning of Words) add a definition for drip line as follows:

Dripline means a circumference based on the diameter from the centre of the tree to the widest point of the canopy.

In Chapter 2 (Meaning of Words) amend the defensible space definition as follows:

Defensible space in relation to fire safety, means an area maintained as a fire break or planted in low-flammability species to protect a structure from fire in surrounding vegetation or to protect vegetation from a fire in a structure. The area shall be at least the following dimensions:

- a) on flat land and slopes up to 10° – 25m from the structure, or
- b) on slopes greater than 10° – 10m up hill, 15m each side, 30m down hill, from the structure, or
- c) an area less than those described in a) or b) above if approved in writing by the Principal Rural Fire Officer."

In Chapter 2 (Meaning of Words) amend the net area definition as follows:

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

- a) subject to any designation (see appendix 24–designations), or
- b) a right of way serving other sites, or

- c) ~~in relation to rear sites, excludes the area of any access strip~~ in relation to rear sites, part of any access to the site that is less than 6m in width.

In Chapter 2 (Meaning of Words) add a definition for predominant slope:

Predominant slope means the slope which is most common over the area. Slope can be calculated as a ratio of "rise over run" in which *run* is the horizontal distance and *rise* is the vertical distance. For the purpose of the soil disturbance rule in this Plan, the calculation of predominant slope should be applied to the slope area where the soil disturbance and any erosion control is to occur.

In Chapter 2 (Meaning of Words) amend the revegetation definition as follows:

Revegetation means the establishment of trees, plants or grasses to achieve ~~a minimum of 60%~~ coverage of soil surfaces.

Plan Change 25.6 – Landscape rules in the Rural Zone

Amend RUr.56.2 (Landscape Overlay – Earthworks) by adding a new matter of control as follows:

Control is reserved over:

- iv) the location of tracks and access roads.

Amend parts of RUr.80.2 (Subdivision within the Landscape Overlay) as follows:

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), excluding Table 14.5.1 of Appendix 14 (design standards), and
- b) it is accompanied by a landscape assessment by an appropriately qualified person which takes into account the requirements 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:

- 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 number, size, shape and orientation of allotments, and
- ix) changes to landform or landscape features, and
- x) views from roads and public reserves

In Chapter 2 (Meaning of Words) add definitions for construction and erection as follows:

Construction in the case of a building or structure, includes the relocation of a building or structure.

Erection in the case of a building or structure, includes the relocation of a building or structure.