

Part 3

Domains and topics

Topics

NEV – Natural environment values

NFL – Natural features and landscapes

Objectives

NFL-O1 Outstanding natural features and landscapes [RP, DP]
The characteristics, attributes and values that define Whakatū Nelson’s outstanding natural features and landscapes outside the Coastal environment are protected from inappropriate use and development.
NFL-O2 Maitahi/Mahitahi/Maitai River Valley [RP, DP]
The special characteristics and values that define the Maitahi/Mahitahi/Maitai River Valley are maintained.
NFL-O3 City backdrop [RP, DP]
The visual amenity of the hill slopes and skylines that form the backdrop to Nelson City is maintained.

Policies

NFL-P1 Protection of outstanding natural features and landscapes [RP, DP]
Protect Whakatū Nelson’s natural features and landscapes in the Outstanding natural features and landscapes overlay (where it applies to areas outside the Coastal environment) from adverse effects on the characteristics, attributes and values described broadly in NFL-P1 and specifically in APP37 – Outstanding natural features and landscapes.
NFL-P2 Considerations relating to adverse effects on outstanding natural features and landscapes [RP, DP]
Consider the following matters in assessing the significance of adverse effects of activities on natural features and landscapes in the Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment), and in determining the scope and likely effectiveness of measures to avoid, remedy or mitigate those adverse effects:

1. whether the proposed use or development has a functional or operational need to be sited in the particular location;
2. whether there are any practicable alternative locations for the use or development;
3. whether there are alternative designs or methods of implementing the subdivision, use or development including:
 - a. grouping or dispersing structures;
 - b. placing structures partially or entirely below the ground;
 - c. locating structures away from positions where they would otherwise intrude above the skyline or impede long distance views when viewed from areas accessible to the public;
 - d. screening the activity with vegetation;
 - e. creating a vegetated backdrop to the activity;
 - f. moderating the scale, height, modulation, roof pitch, colour, reflectivity and other aspects of any structure's external appearance;
 - g. minimising artificial light spill from the activity;
 - h. minimising visual scarring caused by earthworks;
 - i. minimising the period over which bare soil will remain exposed; or
 - j. revegetating any exposed surfaces, using plant species for the purposes of revegetation that are common to the surrounding area and that are ecologically appropriate;
4. whether there are other potential means of integrating the activity within the surrounding natural feature or landscape; and
5. where subdivision applications are concerned, whether future effects associated with the location and design of structures, vehicle accessways or parking, and above ground network utilities, can be avoided, remedied or mitigated by:
 - a. imposing conditions to specify where such activities can or cannot be located; or
 - b. using consent notices to require compliance with any of the methods set out in NFL-P2.3. and NFL-P2.4. above.

NFL-P3 Recognition of functional or operational needs [RP, DP]

Recognise that certain activities have a functional or operational need to locate or occur in the Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment) including:

1. activities ancillary to or associated with existing farming, tourism, recreation and forestry operations;
2. cultural harvesting and traditional rites;
3. environmental restoration; and

4. the installation, operation, maintenance and minor upgrading of regionally significant infrastructure.

NFL-P4 Considerations relating to functional or operational needs [RP, DP]

Consider the following matters in determining how the adverse effects of activities on the characteristics, attributes and values of natural features and landscapes in the Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment) should be avoided, remedied or mitigated, where proposed activities have a functional or operational need to locate in an outstanding natural feature or landscape:

1. the extent to which the featured landscape has already been modified by land use, development and subdivision patterns;
2. the existing presence or absence of structures, including buildings and above ground infrastructure; and
3. the likelihood of cumulative effects arising from a concentration or increase in a particular activity.

NFL-P5 Remedy or mitigate adverse effects on Maitahi/Mahitahi/Maitai River Valley values and attributes [RP, DP]

In the Maitahi/Mahitahi/Maitai River Valley, actual and potential adverse effects on the values and attributes described in APP38 – Special landscape values associated with Maitahi/Mahitahi/Maitai River Valley will be remedied or mitigated.

NFL-P6 Maintain City backdrop values and attributes and values [RP, DP]

Maintain the values and attributes of Nelson City's backdrop detailed in APP36 – City backdrop, having regard to:

1. the extent to which any structures or earthworks are likely to be visible from specific vantage points (Nelson's town centre, main arterial routes and the coastal edge);
2. the extent to which any structures are located on or extend above the skyline, or the extent to which any earthworks involve alterations to the skyline, when viewed from the specific vantage points referred to in NFL-P6.1. above;
3. options for locating new structures or building platforms for any new structures (such as grouping, dispersing or part-undergrounding), any vehicle access or parking, or any above ground network utility that would remedy or mitigate adverse effects on the values and attributes of the landscape;
4. existing or potential opportunities for screening structures by the use of vegetation;
5. existing or potential opportunities for creating a vegetated backdrop to structures;
6. scale, height, modulation, roof pitch, colour, reflectivity and other aspects of any structure's external appearance;
7. methods for undertaking earthworks that involve minimising alterations to natural landforms, visual scarring, or the period over which bare soil will remain exposed, revegetating exposed surfaces,

and using plant species for the purposes of revegetation that are common to the surrounding area and that are ecologically appropriate;

8. other potential means of integrating structures or earthworks within the surrounding landscape as a means of avoiding, remedying or mitigating any adverse effects; and
9. where subdivision applications are concerned, the potential imposition of consent conditions or notices to require compliance with any method specified in NFL-P6.3., NFL-P6.4., NFL-P6.5., NFL-P6.6., NFLP6.7 and NFL-P6.8. above.

Rules

Rule interpretation and application

NFL-R1 [DP]

The rules that **apply** to activities in the Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment) are contained in the activity status table as follows:

1. NFL-R4 to NFL-R12.

NFL-R2 [DP]

The rules that **apply** to activities in the City backdrop overlay are contained in the activity status table as follows:

1. NFL-R13, NFL-R14, NFL-R15.

NFL-R3 [DP]

The rules that **apply** to activities in the Outstanding natural features and landscapes overlay in the CE – Coastal environment are contained in the activity status tables in:

1. CMA – Coastal marine area; and
2. NCFLC – Natural character, landscapes and features in the coastal environment.
3. In addition to the rules set out in NFL-R1 and NFL-R2 above, activities are also subject to rules relating to structures in the underlying zone, and rules relating to earthworks and vegetation clearance in EW – Earthworks.
4. Solar panels that **comply** with EIT-R41 are not subject to NFL-R8.3. Solar panels that **do not comply** with EIT-R41 are subject to NFL-R8.3.

Activity status

Rule	Use/Activity
NFL-R4	Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Structure
NFL-R5	Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Fence
NFL-R6	Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Maintenance, replacement or alteration of above ground network utility or renewable electricity generation facility

NFL-R7	Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Construction or placement of aboveground network utility
NFL-R8	Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Construction or placement of renewable electricity generation facility
NFL-R9	Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Earthworks
NFL-R10	Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Removal of rock
NFL-R11	Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Vegetation clearance
NFL-R12	City backdrop overlay (including Skyline areas): Structure
NFL-R13	City backdrop overlay (including Skyline areas): Fence
NFL-R14	City backdrop overlay (including Skyline areas): Maintenance, replacement or alteration of above ground network utility
NFL-R15	City backdrop overlay (including Skyline areas): Earthworks

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
NFL-R4 Outstanding natural features and landscapes overlay (where it applies to areas outside the Coastal environment): Structure [DP] Legal effect on notification: No	1. The construction or placement of a new structure, excluding a fence (refer to NFL-R5), or above ground network utility or electricity generation facility (refer NFL-R6 and NFL-R7), is a permitted activity , provided that: <ul style="list-style-type: none"> a. no more than one new structure per allotment is 	2. Not applicable.	3. The construction or placement of a new structure, excluding a fence, or above ground network utility or electricity generation facility, that contravenes NFL-R4.1.a., NFL-R4.1.b. or NFL-R4.1.c. is a restricted discretionary activity , provided that the gross floor

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>proposed, in addition to any structures that existed at the date of the notification of the Nelson Plan; and</p> <p>b. the gross floor area of the structure is 50m² or less; and</p> <p>c. the maximum height of the structure is 7.5m; or</p> <p>d. the structure is located within an identified building area.</p>		<p>area of the structure is less than 100m².</p> <p>Discretion is restricted to the relevant matters set out in NFL-P2.</p> <p>4. The construction or placement of a new structure, except for an above ground network utility or electricity generation facility, that contravenes NFL-R4.1.d. or NFL-R4.3. is a discretionary activity.</p>
<p>NFL-R5</p> <p>Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment):</p> <p>Fence</p> <p>[DP]</p> <p>Legal effect on notification: No</p>	<p>1. A fence is a permitted activity.</p>	<p>2. Not applicable.</p>	<p>3. Not applicable.</p>
<p>NFL-R6</p> <p>Outstanding natural features and landscapes overlay (where it applies to areas outside the CE</p>	<p>1. The maintenance, replacement or alteration of an existing above ground network utility or renewable electricity</p>	<p>2. Not applicable.</p>	<p>3. Not applicable.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
<p>– Coastal environment): Maintenance, replacement or alteration of above ground network utility or renewable electricity generation facility [DP] Legal effect on notification: No</p>	<p>generation facility is a permitted activity.</p>		
<p>NFL-R7 Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Construction or placement of aboveground network utility [DP] Legal effect on notification: No</p>	<p>1. The construction or placement of an above ground network utility is a permitted activity, provided that it is located within an identified network utility corridor.</p>	<p>2. Not applicable.</p>	<p>3. The construction or placement of an above ground network utility that contravenes NFL-R7.1 is a discretionary activity.</p>
<p>NFL-R8 Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment): Construction or placement of</p>	<p>1. Not applicable.</p>	<p>2. Not applicable.</p>	<p>3. The construction or placement of a renewable electricity generation facility is a discretionary activity.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
<p>renewable electricity generation facility</p> <p>[DP]</p> <p>Legal effect on notification: No</p>			
<p>NFL-R9</p> <p>Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment):</p> <p>Earthworks</p> <p>[RP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. Earthworks are a permitted activity provided that:</p> <p>a. they comply with EW-R8.1.c., EW-R8.1.d., EW-R8.1.e and EW-R8.1.g.; and</p> <p>b. the cumulative total extent of earthworks associated with a given project are no more than 150m³ in volume per site in any consecutive 12 month period; and</p> <p>c. the cumulative total extent of earthworks associated with a given project are no more than 150m² in area per site in a consecutive 12 month period; and</p> <p>d. they involve the creation of permanent cut or fill faces of no</p>	<p>2. Not applicable.</p>	<p>3. Earthworks that contravene NFL-R9.1. are a discretionary activity.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	more than 1 metre in height.		
<p>NFL-R10</p> <p>Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment):</p> <p>Removal of rock</p> <p>[RP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. The removal of rock is a permitted activity provided that:</p> <p>a. it is for cultural harvesting purposes.</p>	<p>2. Not applicable.</p>	<p>3. The removal of rock that contravenes NFL-R10.1.a. is a discretionary activity.</p>
<p>NFL-R11</p> <p>Outstanding natural features and landscapes overlay (where it applies to areas outside the CE – Coastal environment):</p> <p>Vegetation clearance</p> <p>[RP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. Vegetation clearance is a permitted activity, provided that:</p> <p>a. it complies with EW-R14.1.; and</p> <p>b. is associated with:</p> <p>i. cultivation; or</p> <p>ii. the replanting, maintenance and harvesting of existing woodlots; or</p> <p>iii. cultural harvesting; or</p> <p>iv. conservation planting; or</p> <p>v. sand dune restoration; or</p>	<p>2. Not applicable.</p>	<p>3. Vegetation clearance that contravenes NFL-R11.1. is a discretionary activity.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	vi. the removal of exotic vegetation.		
<p>NFL-R12</p> <p>City backdrop overlay (including Skyline areas):</p> <p>Structure</p> <p>[DP]</p> <p>Legal effect on notification: No</p>	<p>1. The construction or placement of a new structure, excluding a fence, and including any above ground network utility is a permitted activity, provided that:</p> <p>a. it is located in an allotment created on a date before the Nelson Plan is made operative; or</p> <p>b. any building is located within an identified building area; or</p> <p>c. any network utility is located within an identified network utility corridor.</p>	<p>2. Not applicable.</p>	<p>3. The construction or placement of any new structure, excluding a fence, and including any above ground network utility, that contravenes NFL-R12.1. is a restricted discretionary activity, provided that it is located outside any Skyline area.</p> <p>Discretion is restricted to the relevant matters set out in NFL-P6.</p> <p>4. The construction or placement of any new structure, excluding a fence, and including any above ground network utility, that contravenes NFL-R12.3. is a discretionary activity.</p>
<p>NFL-R13</p> <p>City backdrop overlay (including Skyline areas):</p> <p>Fence</p>	<p>1. A fence is a permitted activity.</p>	<p>2. Not applicable.</p>	<p>3. Not applicable.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
<p>[DP]</p> <p>Legal effect on notification: No</p>			
<p>NFL-R14</p> <p>City backdrop overlay (including Skyline areas):</p> <p>Maintenance, replacement or alteration of above ground network utility</p> <p>[DP]</p> <p>Legal effect on notification: No</p>	<p>1. The maintenance, replacement or alteration of an existing above ground network utility is a permitted activity.</p>	<p>2. Not applicable.</p>	<p>3. Not applicable.</p>
<p>NFL-R15</p> <p>City backdrop overlay (including Skyline areas):</p> <p>Earthworks</p> <p>[RP, DP]</p> <p>Legal effect on notification: No</p>	<p>1. Earthworks are a permitted activity provided that they comply with EW-R9.1.b., EW-R9.1.c., EW-R9.1.d., EW-R9.1.f. and EW-R9.1.g.</p>	<p>2. Not applicable.</p>	<p>3. Any earthworks that contravene NFL-R15.1 are a restricted discretionary activity.</p> <p>Discretion is restricted to the relevant matters set out in NFL-P6.</p>