



Ref: s.7(2)(a) - [REDACTED]

Civic House, 110 Trafalgar Street  
PO Box 645, Nelson 7040, New Zealand

28 June 2021

P (03) 546 0200  
E LGOIMA@ncc.govt.nz  
[nelson.govt.nz](http://nelson.govt.nz)

s.7(2)(a) - [REDACTED]  
protect the [REDACTED]  
privacy of [REDACTED]  
natural [REDACTED]  
persons [REDACTED]  
including des'd [REDACTED]

Dear s.7(2)(a) - [REDACTED]

## **OFFICIAL INFORMATION REQUEST FOR INFORMATION RELATING TO THE SERVICES OVERLAY**

I refer to your official information request dated 9 June 2021 for information regarding the process for establishing an overlay. The information you requested is below.

*What is the process for establishing an overlay please?*

In answering this question we have assumed that you are referring to spatial (mapped) overlays in the Nelson Resource Management Plan. To establish a new overlay or make changes to an existing one in an operative Plan, a Plan Change must be undertaken. The Plan Change must be prepared in accordance with the Resource Management Act, including public notification processes under the First Schedule.

*In the case of a Services Overlay, presumably there are criteria to be considered, how are these criteria assessed and measured please?*

Criteria for establishing a Services Overlay in Nelson relate to the availability and capacity of supporting network infrastructure services (such as water, wastewater and stormwater) to accommodate new urban development.

In new 'green-fields' locations, the Services Overlay may apply to residentially zoned land where services are not yet available. The assessment of this is simply whether or not public network infrastructure services exist.

For existing developed areas that do have public network infrastructure, the overlay may be used to indicate areas that are be limited in some way to support additional development (intensification). This is determined based on knowledge of the design of the network, the ability of new development to connect to it and an assessment (modelling) of capacity based on current demand.

Internal Document ID: A2693003

*Is the designation of an area as being within an overlay a council decision or delegated to staff?*

As above (ref. 1), all Plan Changes including new areas to be included in a Service Overlay, must be approved by Council and follow the First Schedule process under the Resource Management Act.

*An overlay is presumably part of an operative plan. Does the creation or extension of an overlay require public notification and consultation?*

Yes. The First Schedule of the Resource Management Act sets out the processes that must be followed by Council in making any change to an operative plan.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact Maxine Day.

Yours sincerely



**Maxine Day**

Environmental Planning Manager