

# Nelson Resource Management Plan

## Proposed Plan Changes

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The following table provides a complete list of all proposed Plan Changes that affect the Nelson Resource Management Plan.

Proposed Plan Changes are indicated in the Nelson Resource Management Plan in one of two ways, either

1. by strikethrough or underline text (method currently being phased out), or
2. with a black octagon symbol showing the Plan Change number placed as near as practical to the title of the provision subject to change.

For full details of a proposed Plan Change and its current progress through the First Schedule RMA process please refer to Nelson City Council website: [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz) (use plan change name as search phrase).

### Nelson Resource Management Plan: Proposed Plan Changes

Plan Change	Type	Summary	Notified
 Nelson North	Council	Restricts subdivision in Nelson North.	05 Mar 2005
 Nelson South	Council	Rezones areas of land north of Champion Rd from Rural to both Residential and Rural - Higher Density Small Holdings Area. Applies a Services Overlay to these areas and a Riparian Overlay to the western arm of Saxton Creek.  Decisions notified 30 June 2012, Plan Change subject to Appeal.	28 Aug 2010



<b>Certified level of port noise</b>	means the maximum level of port noise that a residential unit subject to an Acoustic Certificate for acoustic treatment can receive, provided that the certified level of port noise for any residential unit is set 3dBA $L_{dn}$ above the noise contour level for that site shown on the port noise contour map in the Port Noise Management Plan at the date the Certificate was issued.
<b>Classified roads</b>	means roads with a hierarchical classification of Arterial, Principal and Collector. Refer to section 4 'Transport' of the NCC Land Development Manual 2010.
<b>Cleanfill material</b>	solid material such as rock, clay, or soil, or inert building materials such as concrete or brick, but excluding any material which may be combustible, putrescible, degradable, leachable, or hazardous.
<b>Coastal Environment</b>	<p>This is an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place, depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes at least three distinct, but inter-related, parts:</p> <ul style="list-style-type: none"> <li>a) the Coastal Marine Area, which extends from mean high water springs to the outer limits of the territorial sea (12 nautical mile limit)</li> <li>b) the active coastal zone</li> <li>c) the land backdrop</li> </ul> <p>The coastal environment includes at least the coastal marine area, the water, plants, animals, and the atmosphere above it; and all tidal waters and foreshore (whether above or below mean high water springs), dunes, beaches, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands including estuaries.</p>
<b>Coastal Marine Area*</b>	<p>means the foreshore, seabed, and coastal water, and the air space above the water -</p> <ul style="list-style-type: none"> <li>a) of which the seaward boundary is the outer limits of the territorial sea.</li> <li>b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of - <ul style="list-style-type: none"> <li>i). one kilometre upstream from the mouth of the river; or</li> <li>ii). the point upstream that is calculated by multiplying the width of the river mouth by 5.</li> </ul> </li> </ul>
<b>Coastal water*</b>	<p>means seawater within the outer limits of the territorial sea and includes:</p> <ul style="list-style-type: none"> <li>a) seawater with a substantial fresh water component, and</li> <li>b) seawater in estuaries, fiords, inlets, harbours or embayments.</li> </ul>
<b>Commercial activity</b>	means the use of land, buildings and/or the surface of water bodies for the display, offering, provision, sale or hire of goods, equipment, or services, and includes shops, markets, showrooms, restaurants, takeaway food bars, professional, commercial, and administrative offices, service stations,

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

**Communication device**

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

**Community activity**

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

**Comprehensive housing development**

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

**Conditions\***

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

**Construction**

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

**Contaminant\***

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

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

**CPTED**

Crime Prevention Through Environmental Design.

**Crossing**

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

**Crown cleaning**

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

**Crown thinning**

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

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

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

**Culvert**

means a pipe or covered channel that conveys water.

**D<sub>2m,nT</sub>+C<sub>tr</sub>**

is a measure of facade sound insulation. It is the difference in decibels between the outdoor sound level measured 2 metres from the facade (including the effect of sound reflection from the facade) and the spatial average sound level inside the receiving room. See ISO140-5 (Acoustics - Measurement of sound insulation in buildings and of building elements - Part 5: Field measurements of airborne sound insulation of facade elements and facades; and ISO 717-1:2013

Acoustics - rating of sound insulation in buildings and building elements - Part 1: Airborne sound insulation).

<b>Dam</b>	means any structure which impounds water, including weirs.
<b>dBA</b>	means the A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See NZS 6801:1991 clause 2.1 definition of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting, and sound level.
<b>Defensible space</b>	<p>in relation to fire safety, means an area maintained as a fire break or planted in low-flammability species to protect a structure from fire in surrounding vegetation or to protect vegetation from a fire in a structure. The area shall be at least the following dimensions:</p> <ul style="list-style-type: none"><li>a) on flat land and slopes up to 10° - 25m from the structure, or</li><li>b) on slopes greater than 10° - 10m up hill, 15m each side, 30m down hill, from the structure, or</li><li>c) an area less than those described in a) or b) above if approved in writing by the Principal Rural Fire Officer.</li></ul> <p>Low flammability species include some broad leaf, evergreen native species including but not limited to the following:-</p> <ul style="list-style-type: none"><li>a) <i>Fuchsia excorticata</i> (Kotukutuka)</li><li>b) <i>Pseudopanax crassifolius</i> (Horeke/Lancewood)</li><li>c) <i>Pseudopanax arboreus</i> (Five finger)</li><li>d) <i>Coprosma robusta</i> (Karamu)</li><li>e) <i>Coprosma grandifolia</i> (Raurekau/Kanono)</li><li>f) <i>Geniostoma ligustrifolium</i> (Hangehange)</li><li>g) <i>Coprosma australis</i> (Raurekau)</li><li>h) <i>Coprosma repens</i> (Taupata)</li></ul> <p>along with fuel reduced conditions where fine fuel such as grasses, gorse, bracken, dead or fallen material, twigs and branches are maintained below a maximum height of 100mm.</p>
<b>Design Statement</b>	is a requirement of Appendix 14 and is a statement that explains the design principles and concepts that have informed the subdivision or development design, and how urban design and sustainability issues have been dealt with.
<b>Discharge*</b>	includes emit, deposit, and allow to escape.
<b>District</b>	means the Nelson District and Region as defined under the Local Government Act, including the Coastal Marine Area.
<b>Disturbance</b>	in relation to rules in the Coastal Marine Area, includes excavation, dredging, drilling and tunnelling. In relation to any river or lake bed means the alteration, re-distribution, or disturbance of the bed material by any means including vehicles, machinery, drilling, tunnelling, and reclamation, excavation or extraction, but does not include disturbance by hand tools.
<b>Diversion</b>	means the redirection of water from its original flow path, and returning the water back to its original flow path at a different point with no abstraction taking place.
<b>Earthworks</b>	means any modification to the shape of the land surface, including removal of soil, excavation, infilling, re-contouring and construction of any road, track, landing or drainage channel (refer definition of 'Landfill').
<b>Eco-sourced</b>	means plants which are grown from seeds or propagules collected from naturally-occurring vegetation in a locality close to where they are replanted.

<b>Ecosystem</b>	means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.
<b>Educational facility</b>	land or buildings used, or activities necessary for, the provision of regular instruction or training including the use of ancillary administrative, cultural, recreational and commercial facilities.
<b>Effect*</b>	includes: <ul style="list-style-type: none"> <li>a) any positive or adverse effect, and</li> <li>b) any temporary or permanent effect, and</li> <li>c) any past, present or future effect, and</li> <li>d) any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration, or frequency of the effect,</li> </ul> and also includes: <ul style="list-style-type: none"> <li>e) any potential effect of high probability, and any potential effect of low probability which has a high potential impact.</li> </ul>
<b>Effluent disposal field</b>	means a structure either above or below ground for disposal by infiltration, evaporation or transpiration of predominantly liquid effluent, derived from toilets, sewage and silage water, or from intensive livestock farming operations, including piggeries and cowsheds.
<b>Environment*</b>	includes: <ul style="list-style-type: none"> <li>a) ecosystems and their constituent parts, including people and communities, and</li> <li>b) all natural and physical resources, and</li> <li>c) amenity values, and</li> <li>d) the social, economic, aesthetic and cultural conditions which affect the matters stated in a) to c) of this definition or which are affected by those matters.</li> </ul>
<b>Estuary</b>	means the wide tidal mouth of a river. The physical landward extent of each estuary is defined by the boundary  of the Coastal Marine Area, as agreed between the Minister of Conservation and the Nelson City Council in August 1991. The seaward boundary is defined on Map No. A1.3 of the Planning Maps comprising Volume 4 of the Nelson Resource Management Plan.
<b>Environmental results anticipated</b>	means the intended results or outcomes on the environment as a consequence of implementing the policy or policies and methods of implementation. The term provides a means of assessing the success of the objectives, policies and methods.
<b>Environmentally damaging substance</b>	see <i>Hazardous substance</i>
<b>Erection</b>	in the case of a building or structure, includes the relocation of a building or structure.
<b>Erosion</b>	means the process of wearing away of the land surface by natural agents and the transport of the rock debris that results.

<b>Mooring</b>	means an anchor block on the seabed for the purpose of securing a recreational vessel by way of rope or cable.						
<b>Moving display</b>	means a display in which any parts of the sign or its message involves movement or apparent movement aimed at drawing attention to the sign.						
<b>Natural and physical resources*</b>	includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.						
<b>Natural hazard*</b>	means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.						
<b>Natural hazard overlay</b>	means one or more of the following Overlays shown on the Planning Maps: Fault Hazard Overlay, Grampians Slope Risk Overlay, Tahunanui Slump Core Slope Risk Overlay, Tahunanui Slump Fringe Slope Risk Overlay, Flood Path Overlay, Flood Overlay, Inundation Overlay.						
<b>Navigation aid</b>	includes: <ul style="list-style-type: none"> <li>a) any lightship and any floating or other light exhibited for the guidance of ships and aircraft, or</li> <li>b) any type of fog signal not carried on a ship, or</li> <li>c) all marks and signs in aid of marine and aircraft navigation, or</li> <li>d) any electronic, radio, or other aid to aircraft navigation and marine navigation not carried on board any ship, and</li> <li>e) any associated building works.</li> </ul>						
<b>NCC datum</b>	means Nelson City Council Standard Datum. <table border="0" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Relationship of Datums</th> <th style="text-align: left;">Mean Sea level</th> </tr> </thead> <tbody> <tr> <td>To NCC Datum</td> <td>12.055</td> </tr> <tr> <td>To DOSLI Datum</td> <td>0.000</td> </tr> </tbody> </table>	Relationship of Datums	Mean Sea level	To NCC Datum	12.055	To DOSLI Datum	0.000
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<b>Net area</b>	means the total area of a site excluding any part that is: <ul style="list-style-type: none"> <li>a) subject to any designation (see Appendix 24), or</li> <li>b) containing a right of way serving other sites, or</li> <li>c) in relation to rear sites, part of any access to the site that is less than 6m in width.</li> </ul>						
<b>Network utility</b>	a network for any of the following activities: <ul style="list-style-type: none"> <li>a) Telecommunication and radio communication as defined in Section 2(1) of the Telecommunications Act 1987 and includes any Telecommunication Facility, Radiocommunication Facility and Telecommunication Line, or</li> <li>b) cable television, or</li> <li>c) the transformation, transmission or distribution of electricity, or</li> <li>d) the distribution of water for supply, including irrigation, or</li> </ul>						

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

and includes:

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

**Network utility buildings, small, unstaffed**

means a building (which is not or does not contain a substation) which is directly part of a network utility, and it and any equipment it holds is unstaffed, and the building does not exceed 20m<sup>2</sup> in ground floor area and does not exceed 5m in height.

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

**Noise\***

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

**Noise-affected property**

means a site used for residential purposes that is situated in the Residential Zone adjacent to Port Nelson and identified on the Port Noise Contour Map as receiving levels of port noise at or above 55 dBA L<sub>dn</sub> but excludes:

properties that have received acoustic treatment in accordance with rule INr.40.1 and Appendix 29.B (Noise Mitigation Plan) and are receiving port noise at or below the certified level of port noise.

**Noise-Generating Activity**

is an activity that takes place at a site or building located in the Inner City Zone, involving:

- the assembly of people within a building for a commercial activity involving the playing of amplified sound (from a sound system with greater than 100W output) between the hours of:
  - 11:00pm and 7:00am Sunday to Thursday nights, and for the nights of Friday, Saturday, Christmas Eve and New Year's Eve 1:00am and 7:00am where the activity is located within the Inner City Zone - City Centre; and
  - 10.00pm and 7:00am seven days a week where the activity is located within the Inner City Zone - City Fringe;

or:

- the assembly of people in an outdoor area (i.e. an area that is outside of the main part of the building such as garden bars, outdoor dining and smoking areas) associated with a commercial activity between the hours of:
  - 11:00pm and 7:00am Sunday to Thursday nights, and for the nights of Friday, Saturday, Christmas Eve and New Year's Eve 1:00am and 7:00am where the activity is located within the Inner City Zone - City Centre; and
  - 10:00pm and 7:00am seven days a week where the activity is located within the Inner City Zone - City Fringe.

For the avoidance of doubt, temporary events occurring no more than once per year in any one site or building are excluded from this definition.

*Note: Noise from these events is still required to take account of Section 16 and 327 of the RMA, and Appendix 13 of this Plan.*

**Non-point source discharge**

means discharge of contaminants onto or into land, air, or water from a widespread or diffuse source rather than from a specific outlet or a particular point of origin.

**Notional boundary**

means a line 20m from the façade of any rural dwelling which is most affected by the noise source, or the legal boundary where this is closer to the dwelling.

**NRMP**

means Nelson Resource Management Plan.

**Obsolete structure**

means any structure which is not required for its original use, or which has not been used as intended for a continuous period of two years or more, and for which no future use is anticipated.

**Occupy**

means to occupy land or any part of the coastal marine area necessary for the activity:

- a) to the exclusion of other persons who do not have a right of occupation to the space by a resource consent or under a rule in a regional coastal plan, and
- b) for a period of time and in a way that, but for the rule in the regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary.

and "occupation" has a corresponding meaning.

**On-site wastewater management system**

means any system that treats and then discharges wastewater within the property boundaries. Systems range from a basic septic tank system followed by dispersal in sub-service trenches or a mound. Higher quality treatment systems consist of active aeration or a multi-chamber septic tank, followed by a sand filter system.

**Original size**

for the purpose of a rule authorising maintenance means, in the case of a structure that is authorised by a coastal permit (including a coastal permit under Section 384), the maximum dimensions specified in that coastal permit. Where no maximum dimensions are specified in that coastal permit, the original size will be that supplied with the consent application.

**Organic waste**

means waste which is composed of plant or animal products.

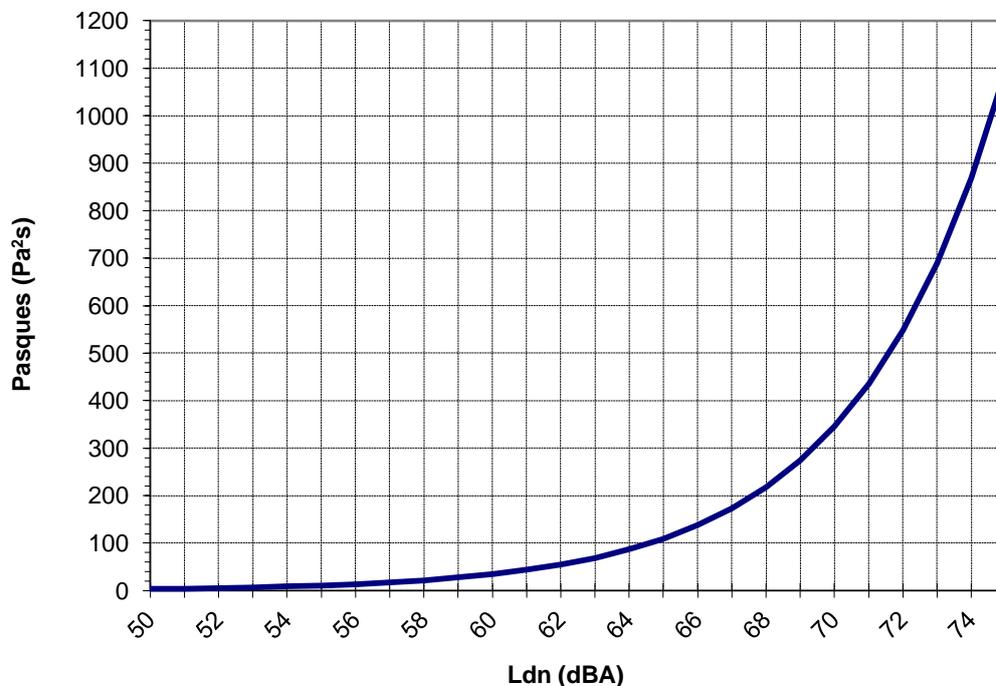
**Outdoor Living Court**

an area of open space for the exclusive use of the occupants of a residential unit. No outdoor living court may be occupied by any building which is enclosed, or has an overhead clearance of less than 2m, other than an accessory building of less than 8m<sup>2</sup>.

<b>Outfall structure</b>	where referred to in a regional rule, excludes any culvert other than culverts on streams that are piped as part of an urban stormwater system and which have no significant diadromous fish populations.
<b>Overlay</b>	an area of land or sea shown on the Planning Maps, where special resource management considerations apply, described in this Plan.
<b>Papakainga</b>	means the use and occupancy of multiple-owned land involving the development of the land for residential units and other buildings and uses necessary to enable the owners to live on their land.
<b>Parking space</b>	an on site marked space where vehicles can park.
<b>Pasques</b>	Unit of measurement of environmental noise exposure in A-frequency weighted pascal squared seconds, as defined in NZS 6805:1992 Airport Noise Management & Land Use Planning. Sound exposure shall be night weighted in accordance with NZS 6805:1992. Environmental noise exposure measured as Ldn (dBA units) shall be converted to pasques using the equation.

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

This equation provides the following relationship between Pasques and Ldn:



<b>Pest plants</b>	plants listed in the Tasman-Nelson Regional Pest Management Strategy.
<b>Pipeline</b>	means a pipeline constructed or used to convey any matter or substance; and includes all machinery, tanks and fittings connected to the pipeline.
<b>Plantation forestry</b>	means the planting, management, harvesting and replanting of trees, where the stock and density of any plantation is 100 or more stems per hectare. Plantation forest has a corresponding meaning.
<b>Point source discharge</b>	means a discharge of contaminants onto or into land, air, or water from a specific and identifiable outlet or location e.g. a drain or pipe.

## **policy**

### **IC4.2 adverse effects**

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*Activities should not give rise to levels of noise, smell, dust, and smoke, or traffic, landscape, aesthetic or other adverse effects which will detract from the character being sought for the City Centre and City Fringe areas.*

#### **Explanation and Reasons**

IC4.2.i The City Centre is primarily a people place. Because of this, the Plan aims to exclude activities from the City Centre which are excessively noisy or smelly, or which generate other effects which are inappropriate in a City Centre environment. If such adverse effects can be controlled to a level suitable to the people oriented nature of the City Centre, then the activity should be allowed to occur.

IC4.2.ii A lower level of amenity is expected in the City Fringe than in the City Centre. For example, vehicle movements and sizes will be greater. It is however acknowledged that fringe areas are often adjacent to more sensitive residential areas and will still primarily serve people, in terms of them coming to the area for services or goods. The City Fringe is not an industrial area where there is little interaction with the general public, and where higher levels of effects might be permissible.

#### **Methods**

IC4.2.iii Rules setting performance standards for emissions such as noise, smoke, dust, and odour.

IC4.2.iv Use of management practices for emissions such as noise, smoke, dust and odour.

IC4.2.v Rules which require newly established producers of noise to take action to minimise noise emission.

IC4.2.vi Use of sections 16, 326 and 327 of the Resource Management Act 1991, for enforcement of unreasonable and excessive noise (see AP13).

IC4.2.vii Rules with a limited listing of unacceptable activities.

## **policy**

### **IC4.3 residential amenity**

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*The Inner City, and sites used for residential activity, should provide a reasonable standard of residential amenity, but recognising that the fundamental character of the area is non-residential.*

#### **Explanation and Reasons**

IC4.3.i The Inner City is not the suburbs and a similar level of residential amenity cannot be expected. Higher levels of noise and glare, for example, must be expected in the Inner City, particularly given the presence of places of assembly, licensed bars and restaurants and other noise generating activities. Also the expectation of outdoor space must be lower than in suburban areas. Similarly, given the height of some buildings in the City Centre, expectation regarding privacy and sunlight must be lower. At the same time, the policy recognises a broad bottom line to provide a reasonable level of residential amenity in the Inner City. This recognises residential activity is a valid activity, deserving of a degree of protection from more traditional Inner City activities.

#### **Methods**

IC4.3.ii Provision of information on opportunities for inner city living and the relevant Resource Management Plan provisions.

IC4.3.iii Rules setting performance standards for residential activity.

IC4.3.vi Rules requiring acoustic insulation in new Bedrooms in the Inner City Zone.

IC4.3.v Rules setting performance standards, for emissions such as noise, smoke, dust and odour.

IC4.3.vi Use of management practices for emissions such as noise, smoke, dust and odour.

## objective

### IC5 effects on neighbouring zones

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*Development on the edge of the Zone which does not detract from neighbouring or nearby zones but seeks to complement in function and design the values of the adjacent zones.*

#### Reasons

IC5.i The Inner City involves a concentration of activities, and a scale of buildings, which by their nature can have impacts on areas adjacent to, or even remote from the Inner City. These cross boundary effects need to be addressed in order to minimise any reduction in environmental quality in other areas.

## policy

### IC5.1 amenity of neighbouring areas

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*Activities within the Inner City should not have adverse effects which significantly diminish the amenity of neighbouring areas, having regard to the character of these areas and the cumulative effects of such activities.*

#### Explanation and Reasons

IC5.1.i Any impacts that activities in the Inner City have on neighbouring areas need to take account of the nature of that area. Residential areas and activities will be more sensitive to certain effects such as noise and glare, than commercial areas. Also a single activity may have effects that are acceptable to residential activities, but the addition of further similar activities may eventually lead to an unacceptable level of effect. The policy aims to address such cumulative effects.

#### Method

IC5.1.ii Rules setting performance standards, and the use of management practices, for emissions such as noise, smoke, dust, and odour.

## policy

### IC5.2 residential zones

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*Special regard shall be had to preventing any deterioration of the amenity of the Residential Zone as a result of expansion of activities from the Inner City Zone, or as a result of adverse effects across the zone boundary*

#### Explanation and Reasons

IC5.2.i A reasonably liberal approach is being taken to the type of activity that can establish within the Inner City Zone. A tough line will be taken, however, to limit the intrusion of the Zone into the Residential Zone. This could be either directly in terms of physical expansion, or in terms of effects which impact on residential areas.

#### Methods

IC5.2.ii Rules with performance standards for effects such as noise and odour.

IC5.2.iii Rules requiring landscaping buffers, application of the residential noise standards and daylight angles along any residentially zoned site.

## policy

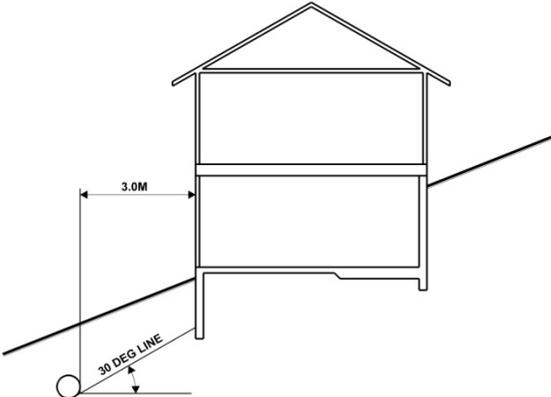
### IC5.3 traffic

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*The adverse effects on other areas of traffic generated by activities within the Inner City, including any cumulative effects, should be avoided, remedied, or mitigated.*

#### Explanation and Reasons

IC5.3.i The success of the City Centre can generate traffic impacts particularly around the periphery, but potentially in more remote locations too. These impacts need to be avoided, remedied or mitigated, taking account of the nature of the area affected.

Assessment Criteria	Explanation
<p>ICr.38.4</p> <ul style="list-style-type: none"> <li>a) the appropriateness of undertaking the activity within this area</li> <li>b) effects on water quality</li> <li>c) effects on public access and recreation</li> <li>d) effects on indigenous vegetation and the habitat of indigenous fauna</li> <li>e) effects on sites of cultural significance</li> <li>f) the justification for the establishment of esplanade reserves, strips or other protections for the margins</li> <li>g) the values of coastal waters listed in Appendix 4 (marine ASCV overlay) and Appendix 6 (riparian and coastal margin overlays).</li> </ul>	<p>ICr.38.5</p> <p>Coastal margins are sensitive to modification, provide habitat for plant and animal communities, and are important for recreational, aesthetic, and cultural reasons.</p>
<p>ICr.39.4</p> <ul style="list-style-type: none"> <li>a) the nature of the structure and whether access to the pipe or drain can be maintained.</li> <li>b) any measures taken to ensure that replacement of the pipe or drain can be undertaken.</li> <li>c) the nature of the pipe or drain, taking into account materials of construction and any bends or joints.</li> </ul>	<p>ICr.39.5</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. Table 3-4, section 3 of the NCC Land Development Manual 2010 provides techniques which allow the construction of structures over drains in some limited circumstances. Diagram referred to in ICr.39.1a):</p>  <p>The diagram illustrates a cross-section of a building with a gabled roof. A horizontal line is drawn from the left side of the building to a vertical line. A dimension line indicates a distance of 3.0M between the left edge of the building and this vertical line. Below the horizontal line, a 30-degree angle is shown between a horizontal reference line and a line extending to the vertical line. This vertical line is labeled '30 DEG LINE'.</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<b>ICr.40 Outdoor living court - residential activity</b>	ICr.40.1 Every residential unit must be provided with an outdoor living court: a) minimum area: 1 and 2 bedrooms 25m <sup>2</sup> 3 or more bedrooms 40m <sup>2</sup> , and b) minimum dimension 4m, and c) units without a room on the ground floor may instead provide a balcony or balconies (minimum combined area of 12m <sup>2</sup> , minimum dimension for any required balcony of 2.4m), and d) the outdoor living court must not be located on a side of the residential unit facing within 45° either side of due South, and must be readily accessible from a living area of the unit.	ICr.40.2 not applicable	ICr.40.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.41 Signs</b>	ICr.41.1 Any sign must be designed and constructed in accordance with Appendix 20 (signs and outdoor advertising).	ICr.41.2 not applicable	ICr.41.3 See Appendix 20.
<b>ICr.42 Night Time Noise Limits</b>	ICr.42.1 The sound level assessed 1 metre from any external wall of any Residential Unit or Short Term Living Accommodation Unit shall not exceed the following noise limit during the hours 10:00pm to 7:00am:  75 dB L <sub>AFmax</sub>  All measurements and assessment shall be in accordance with NZS6801:2008 and NZS6802:2008.	ICr.42.2 Not Applicable	ICr.42.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.42A Noise Generating Activities</b>	ICr.42A.1 The establishment or extension of a 'noise generating activity' is not a permitted activity. For the purposes of this rule 'extension' is defined as any alteration of change which: a) results in a 10% or greater increase in permitted patrons, or b) any increase in operating hours or hours amplified music is played at, or c) results in an outdoor area accessible to patrons which is new, has a different location, or is increased in size by 10% or more.	ICr.42A.2 Not applicable	ICr.42A.3 The establishment or extension of a 'noise generating activity' is a restricted discretionary activity, provided that the following condition is met: a) a noise management plan shall be provided in accordance with the provisions of Appendix 13.1 Noise Generating Activities.  Discretion restricted to: i) Noise effects, ii) Mitigation measures, including any Noise Management Plan, iii) hours of operation iv) proposed location of activity v) volume and type of noise expected to be generated vi) cumulative effects  Any activity subject to this rule that does not comply with condition ICr.42A.3a) shall be a Non-Complying activity.

Assessment Criteria	Explanation
<p>ICr.55A.4</p> <p>In considering applications for landfills, Council will restrict its discretion to the matters identified in ICr.55A.3 provided that the application does not contravene a restricted discretionary condition.</p>	<p>ICr.55A.5</p> <p>Landfill development and operation are restricted discretionary activities, provided conditions in ICr.55A.3 are met. 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. 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. Discharges to water and air from material within landfill sites also require separate regional resource consents.</p>
<p>ICr.56.4</p> <p>a) whether the building frames the view horizontally or vertically from the edges of the view shaft. This may be acceptable in some circumstances.</p> <p>b) the extent of intrusion into the view shaft, and the elements of the view affected.</p> <p>c) the extent to which the core of the view is impinged upon.</p> <p>d) whether the building removes existing intrusions or increases the quality of the view.</p>	<p>ICr.56.5</p> <p>The rule relates to views from the Church Steps looking north, towards the Haven. These views are important for visitors and residents alike, and provide an important link between the City Centre and the sea beyond. Any proposed building or structure that would impinge on the defined view shaft, will need to be assessed as a discretionary activity in terms of its potential impact on the view shaft. The view up Trafalgar Street is an important part of the view shaft. Rule ICr.21 (Buildings over road reserve) controls the intrusion of structures that might block this view eg. walkways connecting buildings, enclosed verandahs.</p>
<p>ICr.57.4</p> <p>a) the values for esplanade purposes stated in Appendix 6, Table 6.2, including any additional information regarding the values of the reserve or strip sought for the purposes outlined in section 229 of the Act.</p> <p>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.</p> <p>c) any circumstances making the future setting aside of an esplanade reserve or esplanade strip inappropriate including the nature of existing development, security needs, public safety, minor boundary adjustment.</p> <p>d) whether a lesser distance than specified might adequately protect the esplanade values.</p> <p>e) any existing protection of the area including existing esplanade reserves or strips or protective covenants.</p>	<p>ICr.57.5</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
<b>ICr.58</b> <b>Flood Path Overlays</b>	ICr.58.1 In any Flood Path Overlay, the following are not a permitted activity: a) erection or extension of any building, or structure, except: i) underground network utility lines, and ii) above ground network utility lines where these are attached to an existing structure no lower than the existing profile of that structure (eg. The underside of a bridge superstructure), or b) earthworks (except where these are associated with the establishment, operation and maintenance of underground network utility lines where the profile of the land is not permanently altered).	ICr.58.2 not applicable	ICr.58.3 Activities that contravene a permitted condition are discretionary.
<b>ICr.59</b> <b>Inundation Overlays</b> Low lying ground susceptible to localised stormwater ponding or tidal inundation	ICr.59.1 In any Inundation Overlay with the exception of network utilities and structures (which are permitted), the following are not permitted activities: a) erection of any building or extension of the ground floor by more than 20% (Note: the restrictions in this clause do not apply where the ground level of the building site has been filled according to a resource consent granted since the date of notification of this plan and all floor levels are not less than 150mm above the approved ground level), or b) earthworks (except those associated with installation or maintenance of an underground network utility where the profile of the land is not permanently altered).	ICr.59.2 In any Inundation Overlay, erection of any building or extension of the ground floor by more than 20%, or earthworks are controlled. Control reserved over: i) finished ground and floor levels, and ii) the nature of fill, its compaction and placement, and iii) the design of the building in so far as it relates to the avoidance of flooding, and iv) stormwater management.	ICr.59.3 Activities that contravene a permitted condition or a controlled standard are discretionary.
<b>ICr.60</b> <b>Heritage Buildings, Places and Objects</b> Alterations to Group A and B items	ICr.60.1 Alteration to any Group A or B building, place or object listed in Appendix 1 is permitted, if: a) the work is redecoration, restoration or insignificant alteration of any existing fabric or detailing, and b) 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 c) 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).	ICr.60.2 not applicable	ICr.60.3 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. Discretion restricted to: i) design and appearance. 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.

Assessment Criteria	Explanation
<p>ICr.58.4</p> <ul style="list-style-type: none"> <li>a) any effects of the development on floodpaths.</li> <li>b) any likelihood of flooding being aggravated on adjacent sites, or of additional water being directed onto adjacent sites.</li> <li>c) the ground level or floor level height required to give protection from a 1 in 50 year return period event.</li> <li>d) the nature of any activity proposed, particularly if lower standards are sought and whether the activity will involve the use and storage of hazardous substances or some other sensitive use.</li> </ul>	<p>ICr.58.5</p> <p>All buildings and any above ground structures and any earthworks (other than temporary earthworks for laying underground utilities) in flood paths have been made discretionary activities so the degree of risk to life and property can be evaluated in each case.</p>
<p>ICr.59.4</p> <ul style="list-style-type: none"> <li>a) the ground level required to avoid the effects of anticipated flooding.</li> <li>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.</li> <li>c) the effects on neighbouring properties, especially with respect to stormwater runoff.</li> <li>d) the provision of an adequate secondary flow path for surface flooding.</li> <li>e) the possibility of an overloaded public storm water system overflowing onto private property.</li> </ul>	<p>ICr.59.5</p> <p>The Inundation Overlays do not show floodpaths but areas which may be subject to localised ponding from stormwater etc during heavy rain events and/or high tides particularly if affected by sea level rise. The primary risk is to property, hence lesser controls apply than to flood paths. The activity is controlled so that floor levels and fill heights can be determined relative to the degree of risk and to co-ordinate filling to provide necessary fall for stormwater disposal and to avoid ponding.</p> <p>Extensions which increase the ground floor area by not more than 20% are provided for as a permitted activity to avoid the need to obtain a resource consent for a minor alteration.</p>
<p>ICr.60.4</p> <ul style="list-style-type: none"> <li>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</li> <li>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.</li> <li>c) the effect of the alterations or additions proposed on the integrity of the original heritage building or object, taking account of how visible the change will be. For the City Centre area, the degree of compliance with the Nelson City Centre Design Guide.</li> <li>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.</li> <li>e) the ability of the applicant to develop or use the site without the alteration, and the economic effects of this.</li> <li>f) whether the heritage value of the building, place or object has altered since the item was listed in the Plan.</li> <li>g) any immediate or cumulative effects of the alteration on the quality of heritage features in the vicinity and the city as a whole.</li> <li>h) the effect of the alterations or additions on any feature of heritage significance listed in Appendix 1.</li> </ul>	<p>ICr.60.5</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. Features of particular heritage significance for Group A buildings are listed in Appendix 1. Protection is not confined to these features, but it is anticipated that where additions or alterations will not affect these features, a consent application will be considered favourably. For Group B items discretion is restricted to the design and appearance of the alteration. See separate rules for Heritage Precincts.</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>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.61</b>  <b>Heritage Buildings, Places and Objects</b>            New Buildings on the site of a Heritage Item</p>	<p>ICr.61.1            Erection of a new building on the site of a Group A or Group B heritage item is not a permitted activity.</p>	<p>ICr.61.2            Erection of a new building on the site of a Group A or Group B heritage item is controlled.</p> <p>Control reserved over:</p> <p>i) design and appearance in relation to existing heritage item, and design and appearance in relation to existing heritage item, and</p> <p>ii) distance of new building from, and location and relationship to existing heritage item distance of new building from, and location and relationship to existing heritage item</p>	<p>ICr.61.3            not applicable</p>
<p><b>ICr.62</b>  <b>Heritage Buildings, Places and Objects</b>            Demolition or removal of Group A and B items</p>	<p>ICr.62.1            Whole or partial demolition or removal of any Group A or Group B heritage building, place or object listed in Appendix 1 is not a permitted activity.</p>	<p>ICr.62.2            not applicable</p>	<p>ICr.62.3  <b>Group B</b>            Whole or partial demolition or removal of any Group B heritage building, place or object listed in Appendix 1 is discretionary.</p> <p><b>Group A</b>            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><b>ICr.63</b>  <b>Heritage Buildings, Places and Objects</b>            Demolition or removal of Group C items</p>	<p>ICr.63.1            Whole or partial demolition or removal of any Group C heritage building, place or object listed in Appendix 1 is permitted if:</p> <p>a) 2 months written notice is given to the Council prior to the work being done</p>	<p>ICr.63.2            not applicable</p>	<p>ICr.63.3            Activities that contravene a permitted condition are discretionary.</p>

Assessment Criteria	Explanation
<p>ICr.61.4</p> <p>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.</p> <p>b) the degree to which the new building is compatible with the heritage building or object, including size, scale and materials used.</p> <p>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>	<p>ICr.61.5</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>
<p>ICr.62.4</p> <p>a) the historic, cultural or architectural significance of the item, having regard to the site on which the item is located.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>f) the ability of the applicant to economically develop or use the site without demolition, alteration or removal.</p> <p>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 (for the City Centre area, the degree of compliance with the Nelson City Centre Design Guide).</p> <p>h) whether the heritage value of the building, place or object has altered since the item was listed in the Plan.</p> <p>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>	<p>ICr.62.5</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. Buildings and objects may have different strengths of association with their site and location. 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>ICr.63.4</p> <p>a) whether reducing the notification time would disadvantage any party, or would preclude effort to negotiate retention of the item.</p>	<p>ICr.63.5</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>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.64</b>  <b>Heritage Precincts</b>  Group A or B Heritage Buildings, Places and Objects</p>	<p>ICr.64.1  a) Alteration to any Group A or B building, place or object listed in Appendix 1 - see Rule ICr.60 (alterations to Group A and B items).  b) Demolition or removal of Group A and B items - see Rule ICr.62 (demolition or removal of Group A and B items).</p>	<p>ICr.64.2  not applicable</p>	<p>ICr.64.3  See Rule ICr.60 (alterations to Group A and B items) and Rule ICr.62 (demolition or removal of Group A and B items).</p>
<p>ICr.65  Heritage Precincts Buildings other than Group A or B Heritage Buildings</p>	<p>ICr.65.1  a) Alteration to the external appearance of any building (other than a Group A or B Heritage Building) within a heritage precinct as defined on the Planning Maps is permitted, if:  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  iii) the work is on a building within the City Centre, and is below the verandah, or where there is no verandah it is not above 3m from ground level.  Erection of new buildings is not a permitted activity.</p>	<p>ICr.65.2  not applicable</p>	<p>ICr.65.3  a) The design and external appearance of any new building, or  b) any alteration to the external appearance of any existing building which does not comply with the permitted conditions, is a restricted discretionary activity.</p> <p>Discretion restricted to:  i) design and external appearance.</p> <p>Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>

Assessment Criteria	Explanation
<p>ICr.64.4</p> <p>The Assessment Criteria in Rules ICr.60 and ICr.62 (Heritage Buildings, Places and Objects) will apply.</p> <p>In addition, particular regard will be had to:</p> <ul style="list-style-type: none"> <li>a) for the City Centre precincts, the degree of compliance with the Nelson City Centre Design Guide.</li> <li>b) the degree of compliance with the South Street Design Guide.</li> <li>c) any effects (positive and negative) on the heritage values of the entire heritage precinct.</li> <li>d) any cumulative or precedent effects on the heritage values of the precinct.</li> </ul>	<p>ICr.64.5</p> <p>The Heritage Precincts recognise the whole is often greater than the sum of the parts. That is, that a collection of heritage buildings in context, has a greater impact to the observer and the resident, and has greater heritage value, than the same number of buildings scattered throughout the City. The loss or the unsympathetic alteration to even a single building can have major impacts on the entire precinct - rather like a missing tooth from a smile. The controls therefore focus on retaining Group A and B listed heritage buildings, and ensuring that any significant alterations are in keeping with the heritage values of the precinct.</p> <p>NOTE: THE CITY CENTRE DESIGN GUIDE, AND THE SOUTH ST DESIGN GUIDE APPLY – Copies are available from the City Council. See also Ap20r.4 (signs on heritage items or listed trees) in relation to signs on heritage buildings and trees.</p>
<p>ICr.65.4</p> <ul style="list-style-type: none"> <li>a) for the City Centre precincts, the degree of compliance with the Nelson City Centre Design Guide.</li> <li>b) the degree of compliance with the South Street Design Guide.</li> <li>c) any effects (positive and adverse) on the heritage values of the entire heritage precinct.</li> <li>d) any cumulative effects on the heritage values of the precinct or any effects which may establish a precedence within the precinct.</li> </ul>	<p>ICr.65.5</p> <p>The rules aim to get a gradual enhancement in the heritage precincts by ensuring that if any building is replaced - be it a listed heritage or any other building in the precincts - the design and appearance is compatible with the values of the precinct. This does not mean that new buildings have to be replicas of heritage buildings, but rather that they have design features which fit with the character of the precinct. Similarly, there are design controls on significant alterations to existing non-listed buildings within the heritage precinct. The purpose of this is to promote a gradual improvement in the compatibility of these buildings with the heritage buildings, where this is practicable. As with rule ICr.28 (external design and appearance), work below verandah level is permitted on buildings in the City Centre heritage precincts (i.e. the main commercial streets). This enables businesses to adapt building frontages to their changing needs without having to get a resource consent. Such changes have little effect on the overall streetscape. The City Centre Design Guide seeks to control the height, scale, and modulation of buildings overall, and the appearance at and above verandah level.</p> <p>See also Rule ICr.63 (Heritage Buildings, Places and Objects demolition or removal of Group C items).</p> <p>NOTE: THE CITY CENTRE DESIGN GUIDE, AND THE SOUTH ST DESIGN GUIDE APPLY – Copies are available from the City Council</p>

Item	Permitted	Controlled	Discretionary/Non-complying
<p><b>ICr.66</b>  <b>Heritage Trees</b>  Trimming of a Heritage Tree identified in Appendix 2</p>	<p>ICr.66.1  Trimming of a heritage tree is permitted if:  a) either  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>ICr.66.2  not applicable</p>	<p>ICr.66.3  Activities that contravene a permitted condition are discretionary.</p>
<p><b>ICr.67</b>  <b>Landscape Trees</b>  Trimming of a Landscape Tree identified in Appendix 2</p>	<p>ICr.67.1  Trimming of a Landscape tree is permitted if:  a) it is crown thinning (as defined in Chapter 2), and  b) the work is done in accordance with accepted arboricultural practice.</p>	<p>ICr.67.2  Activities that contravene a permitted condition are controlled.  Control is reserved over:  i) amount, timing and manner in which the trimming is carried out.  Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.</p>	<p>ICr.67.3  not applicable</p>

# nelson resource management plan

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**appendix 13**

**Inner City Zone:**

**Noise**

**Management**

**Plans and**

**assessment of**

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**and excessive**

**noise**

## **AP13 Overview**

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Relating to rule ICr.42A this appendix prescribes the matters that shall be included in the Noise Management Plans for new and extended Noise Generating Activities. The overall intent of a Noise Management Plan is that the best practicable option is undertaken to ensure that the emission of noise from a site does not exceed a reasonable level.

This appendix also sets out aspects which may help form an opinion for assessment of unreasonable and excessive noise in terms of the Resource Management Act 1991. This can be applicable to all zones but in particular this will be the approach undertaken within the Inner City Zone (City Centre and City Fringe, including the Intense Development Area).

### **AP13.1 Noise Generating Activities**

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#### **AP13.1.1 Minimum Noise Management Plan Provisions**

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**AP13.1.1.i** The Noise Management Plan required under Rule ICr.42A shall be prepared by a professional acoustic engineer and shall, at a minimum, contain the following:

- a) The intended outcomes of the Noise Management Plan, including the design sound level to be received outside of the building and site.
- b) A description of the premises including details of walls, roof, cladding, door openings and windows, ventilation, site layout, outdoor areas and any acoustic insulation or noise barriers that have been, or will be, installed, and a description of how these assist to reduce noise and meet the design sound level specified above.
- c) A description of the surrounding land uses and in particular residential or short term living accommodation units, including a description of the existing sound environment in the area.
- d) A description of all noise generating activities carried out in the premises or on the site.
- e) A floor plan of the premises, including outdoor areas, with the noise sources marked on it.
- f) The hours of operation of the noise generating activities.
- g) The specifications of the sound systems and any mechanisms to govern the maximum noise output.
- h) Details of any noise data that has been recorded, and any noise modelling; noise monitoring; auditing and reporting procedures, including methods used.
- i) Any methods proposed to manage noise produced by patrons, including either leaving the venue or queuing for entry.
- j) The name and contact details of the manager responsible for noise generating activities in the premises.
- k) Complaint handling and recording procedures, and
- l) Procedures for achieving noise reduction through operational procedures and staff training.

#### **AP13.1.2 Minimum Monitoring and Reporting Requirements**

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**AP13.2.i** The minimum monitoring and reporting requirements on any approved consent and associated Noise Management Plan are as follows:

- a) A inventory shall be kept of all noise sources at the premises, and
- b) Copies of the Noise Management Plan and the inventory required above are to be held at the premises and made available to Council staff as, and when, requested.

### **AP13.1.3 Measurement and Assessment of Noise**

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AP13.1.3.i The measurement of noise is to be in accordance with NZS 6801:2008 and assessed in accordance with NZS6802:2008

## **AP13.2 Assessment of unreasonable and excessive noise**

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### **AP13.2.1 Noise assessment criteria**

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AP13.2.1.i Nelson City Council's Enforcement Officers, for the purposes of assessing compliance with permitted activity conditions, relevant resource consent conditions, and sections 16(1) (which requires consideration whether the best practicable option is being undertaken to ensure noise does not exceed a reasonable level), or in forming an opinion under section 327(1) of the Resource Management Act, Excessive Noise Direction, will generally take into account the following matters when determining whether or not noise is unreasonable or excessive:

- i.) the **frequency** (number of events) of noise emission, and
- ii.) the **intensity** of the noise, as indicated by volume, tone, and audio frequency and the degree of disturbance, and
- iii.) the **duration** of each noise event, and
- iv.) the **nature** of the noise, and
- v.) the **location and timing** of the noise, having regard to the time of day or night and the sensitivity (including reverse sensitivity) of the receiving environment.

AP13.2.1.ii Assessment may also consider the following matters.

- a) Other noise complaints or events relating to emissions from the same location which have been found to be unreasonable or excessive, including what remedial action has previously been undertaken.
- b) Where possible and relevant, sound level measurements from a calibrated sound level meter.
- c) Information regarding the effectiveness of any noise management plan, or on site noise management.

### **AP13.2.2 Construction Noise**

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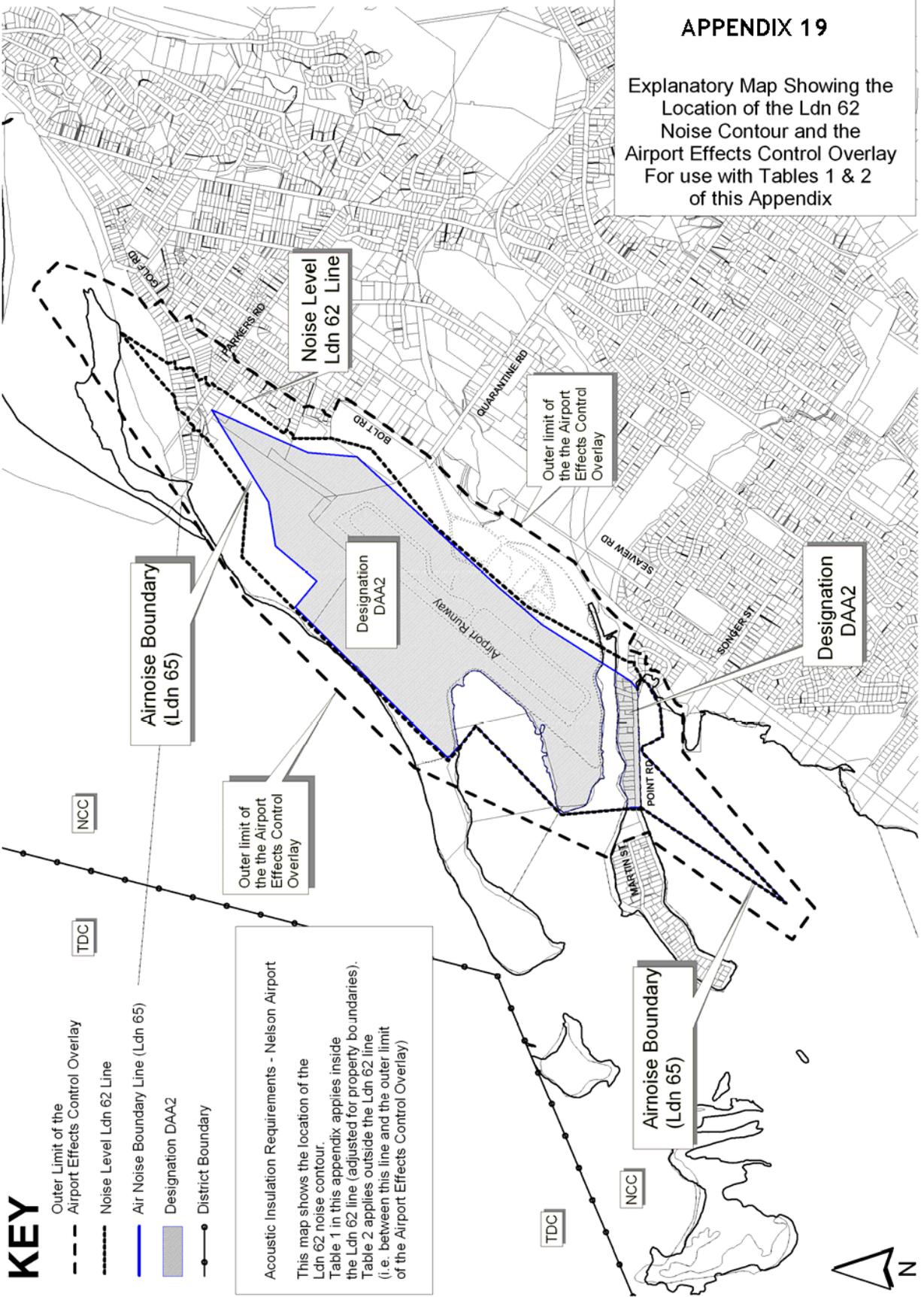
AP13.2.2.i Construction activity by necessity can produce higher levels of noise than would be expected, or be deemed reasonable, from other activities. In recognition of this Standards New Zealand have produced NZS 6803:1999 Acoustics - Construction Noise. In assessing construction noise produced in the Inner City Zone, Nelson City Council will use this standard, in addition to the points outlined in AP13.2.1.i and AP13.2.1.ii, as a guide to the reasonableness of the construction noise produced.

AP13.2.2.ii Separately to this appendix, rule ICr.43 provides that the provisions of NZS 6803:1999 Acoustics - Construction Noise apply to construction noise received in the Residential Zone.



# APPENDIX 19

Explanatory Map Showing the Location of the Ldn 62 Noise Contour and the Airport Effects Control Overlay For use with Tables 1 & 2 of this Appendix



## AP19.2 Port Effects Control Overlay

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AP19.2.i Acoustic insulation requirements for the Port Effects Control Overlay area included in the rules for the respective zones. However, no minimum construction requirements for habitable spaces are specified for the Port Effects Control Overlay. Instead, the rules require certification from an acoustic engineer that the building design will achieve the required design sound level for that zone and certification on completion of the works.

AP19.2.ii In addition, where the indoor design level cannot be achieved with ventilating windows open, the minimum ventilation requirements for habitable spaces require either:

- a) A mechanical system or mechanical ventilation system capable of:
- providing at least 15 air changes of outdoor air per hour in the principal living room of each building and give 5 air changes of outdoor air per hour in the other habitable spaces of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non-habitable spaces that need to be ajar to provide air relief paths;
  - enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable spaces;
  - limiting internal air pressure to not more than 30 Pascals above ambient air pressure;
  - being individually switched on and off by the building occupants, in the case of each system; and
  - creating no more than 40 dB  $L_{Aeq(15\ min)}$  in the principal living room, no more than 30 dB  $L_{Aeq(15\ min)}$  in the other habitable spaces, and no more than 50 dB  $L_{Aeq(15\ min)}$  any hallway, in each building. Sound levels from the mechanical system(s) shall be measured at least one meter away from any diffuser.

Note: This is the ventilation option provided for by the Port Noise Mitigation Plan. In the event that qualifying residents opt for the following (more expensive) air conditioning option (option b), those residents shall be required to pay the difference.

or:

- b) Air conditioning plus mechanical outdoor air ventilation capable of:
- providing internal temperatures in habitable spaces not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water & Atmosphere Research (NIWA) (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000), with all external doors and windows of the habitable spaces closed;
  - providing 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable spaces;
  - each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and
  - creating no more than 40 dB  $L_{Aeq(15\ min)}$  in the principal living room, no more than 30 dB  $L_{Aeq(15\ min)}$  in the other habitable spaces, and no more than 40 dB  $L_{Aeq(15\ min)}$  in any hallway, in each building. Sound levels from the mechanical systems(s) shall be measured at least one metre away from any diffuser.

and:

- c) a mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such an extractor fan is not already installed and in sound working order.

AP19.2.iii A single Residential Unit may contain a combination of the ventilation options a) and b) set out above to achieve the most practicable and cost effective approach. As an example it may be best for the principal living room to comply with option b) whilst the other habitable spaces may comply with option a).

## AP19.3 Inner City Zone

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AP19.3.i Acoustic insulation requirements for the Inner City Zone are included in the rule ICr.43A 'Acoustic Insulation of Buildings'. Under this rule a choice can be made between minimum construction requirements or having the acoustic insulation specifically designed for the proposed development. When designing acoustic insulation the rule requires certification from an acoustic engineer that the building design will achieve the required design sound level.

AP19.3.ii This appendix sets out the minimum ventilation requirements for new Bedrooms in the Inner City Zone where the indoor design level cannot be achieved with ventilating windows open. These require either:

- a) A mechanical system or mechanical ventilation system capable of:
- 5 air changes of outdoor air per hour in new bedrooms. In each case with all external doors and windows of the building closed with the exception of such windows in non-habitable spaces that need to be ajar to provide air relief paths;
  - enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all new bedrooms;
  - limiting internal air pressure to not more than 30 Pascals above ambient air pressure;
  - being individually switched on and off by the building occupants, in the case of each system; and
  - creating no more than 30 dB  $L_{Aeq(15\text{ min})}$  in new bedrooms. Sound levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

or:

- a) Air conditioning plus mechanical outdoor air ventilation capable of:
- providing internal temperatures in new bedrooms not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water & Atmosphere Research (NIWA) (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000), with all external doors and windows of the new bedrooms closed;
  - providing 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all new bedrooms;
  - each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and
  - creating no more than 30 dB  $L_{Aeq(15\text{ min})}$  in new bedrooms. Sound levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

AP19.3.iii Individual rooms in a single Residential Unit may contain a combination of the ventilation options a) and b) set out above to achieve the most practicable and cost effective approach.

AP19.3.iv The minimum measures identified in Table 3 below are one of two ways of demonstrating permitted activity status for acoustic insulation of new Bedrooms in the Inner City Zone. See rule ICr.43A 'Acoustic Insulation of Buildings'.

**table 3 - acoustic insulation of new Bedrooms in the Inner City Zone**

Building Element	Required Construction
Walls	<p>Exterior: 20mm timber weatherboards or 2 x 6mm fibre cement or 1 x 9mm compressed fibre cement</p> <p>Frame: nominal 100mm with acoustic blanket</p> <p>Interior: 3 x 13mm high density gypsum plasterboard for top floor Bedrooms 2 x 13mm high density gypsum plasterboard for mid-level Bedrooms</p> <p>Or: 190 series concrete blocks (minimum every 4<sup>th</sup> core filled)</p> <p>Or: 100mm thick pre cast concrete slabs</p> <p>Or: Solid clay brick veneer (minimum 70mm thick) with standard internal framing and plasterboard lining.</p>
Windows	<p>Minimum 17mm thick laminated glass for top floor Bedrooms</p> <p>Minimum 13mm thick laminated glass for mid-level Bedrooms</p> <p>Or: Double glazed unit with 10mm and 6mm panes, separated by a minimum 50mm air gap.</p>
Roof	<p>Top floor only, not needed for mid-level Bedrooms</p> <p>Cladding: 0.5mm profiled steel or tiles or 6mm corrugated fibre cement</p> <p>Frame: Timber truss with acoustic blanket</p> <p>Ceiling: 3 x 13mm high density gypsum plasterboard</p>
External Door	Hinged solid core door of at least 40kg/m <sup>2</sup> with airtight seals (or if glazed, as per window requirements). Sliding doors are not suitable.
Internal Door	Internal doors to new bedrooms shall be hinged solid core of at least 16kg/m <sup>2</sup>
Ventilation	The indoor design sound level shall be achieved with windows and doors shut. This requires the use of minimum ventilation requirements as set out in Appendix 19.3 Inner City Zone.

**Notes:**

Acoustic Blanket: 75mm of acoustically absorbent material with minimum area density of 580g/m<sup>2</sup>, such as fibreglass, rockwool, polyester or wool. Thermal insulation such as R1.8 is also suitable.

High Density Plasterboard: Gypsum Plasterboard of minimum density of 960kg/m<sup>3</sup>.